



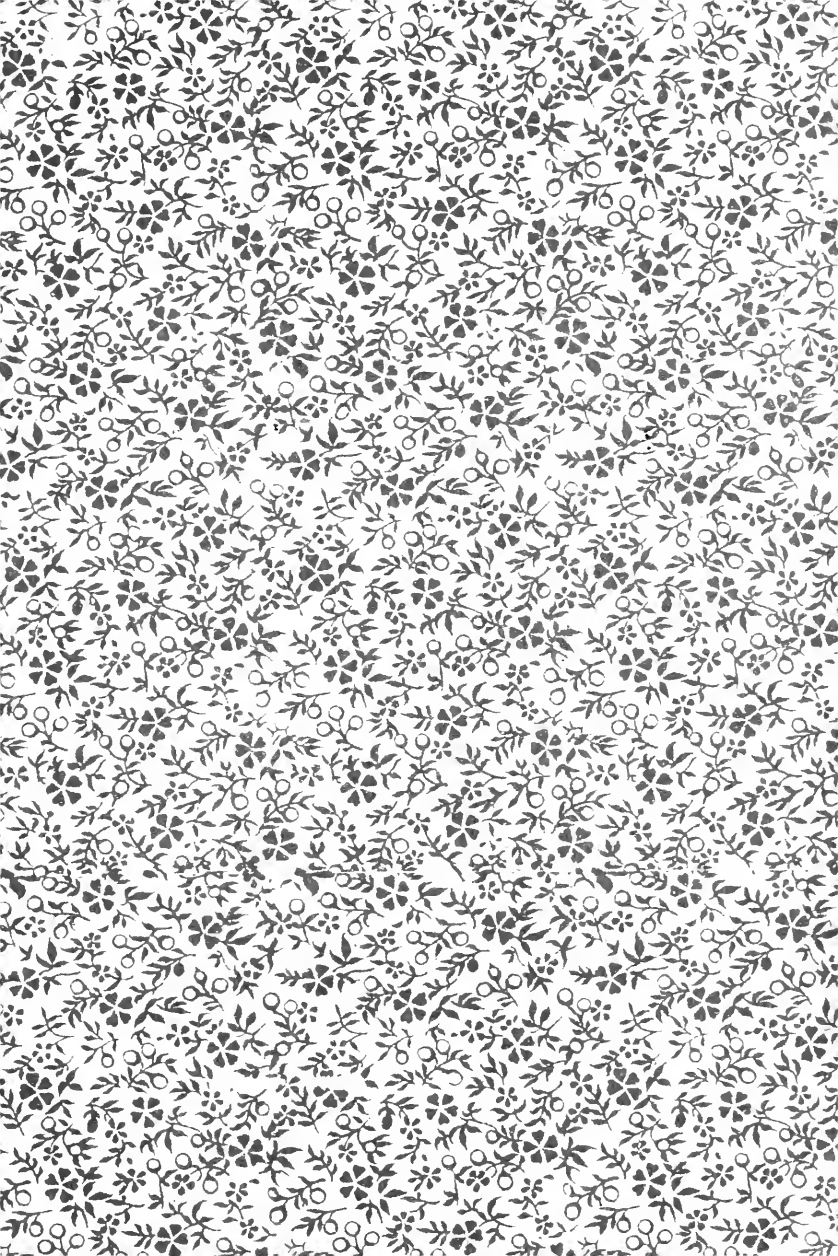
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JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES  
AT THE  
TWENTY-THIRD SESSION  
OF THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF INDIANA,  
COMMENCED AT INDIANAPOLIS  
ON MONDAY, THE THIRD DAY OF DECEMBER, 1838.

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INDIANAPOLIS:  
OSBORN AND WILLETS, PRINTERS.  
1839.



**JOURNAL**  
**OF THE**  
**HOUSE OF REPRESENTATIVES,**

AT THE TWENTY-THIRD SESSION

**OF THE**  
**GENERAL ASSEMBLY OF THE STATE OF INDIANA.**

*Begun and held at the Capitol, in the town of Indianapolis, on Monday the third day of December, in the year of our Lord one thousand eight hundred and thirty-eight, being the day appointed by law for the meeting of the General Assembly.*

52  
p 45  
The following members of the House of Representatives appeared, produced their credentials, were sworn into office by the Honorable Isaac Blackford, one of the Judges of the Supreme court of said State of Indiana, and took their seats, to-wit:

*From the county of Dearborn—George Arnold, Jacob W. Eggleston, William Conaway and Ebenezer Dumont.*

*From the county of Wayne—Richard J. Hubbard, Caleb Lewis, Caleb B. Jackson and Joseph Morrow.*

*From the county of Rush—Jesse Morgan, William P. Rush and John W. Alley.*

*From the county of Park—Austin M. Puett and William T. Noel.*

*From the county of Fountain—Thomas J. Evans.*

*From the county of Tippecanoe—John Pettit and James Earl.*

*From the county of Henry—Robert M. Cooper and Jesse H. Healey.*

*From the county of Fayette—John Willey and Philip Mason.*

*From the county of Union—Joseph Anderson and Erasmus Rose.*

*From the county of Marion—Robert Hanna and James Johnson.*

*From the county of Shelby—William J. Peasley and Erasmus Powell.*

15373  
April 1, 1859.

*From the county of Harrison*—George P. R. Wilson and Nathaniel Albertson.

*From the county of Lawrence*—Melchert Helmer and George W. Carr.

*From the county of Franklin*—Abner McCarty and John A. Matson.

*From the county of Jefferson*—Joseph G. Marshall and Michael G. Bright.

*From the county of Clark*—Henry Hurst and Nathaniel Fields.

*From the county of Washington*—Henry C. Monroe, Woodbridge Parker and Valentine Baker.

*From the county of Vermillion*—James Blair and William P. Dole.

*From the counties of Bartholomew and Brown*—Thomas G. Lee and Williamson Terrell.

*From the county of Owen*—Basil Champer.

*From the county of Greene*—John F. Allison.

*From the county of Clay*—Samuel Howe Smydth.

*From the counties of Warren and Jasper*—James Gregory.

*From the county of Clinton*—Andrew Major.

*From the county of Carroll*—Samuel Milroy.

*From the county of Monroe*—George H. Johnson.

*From the county of Johnson*—Berrian Reynolds.

*From the county of Morgan*—Jonathan Williams.

*From the county of Hendricks*—Samuel Brenton.

*From the county of Hancock*—Joseph Chapman.

*From the county of Boone*—John H. Nelson.

*From the county of Madison*—Henry Wyman.

*From the county of Hamilton*—Francis B. Cogswell.

*From the county of Allen*—Lewis G. Thompson.

*From the county of Elkhart*—Samuel T. Clymer.

*From the county of Laporte*—Charles McClure.

*From the county of Decatur*—Abram Hendricks.

*From the county of Ripley*—John Glass.

*From the county of Switzerland*—James M. Cotton.

*From the county of Orange*—William A. Bowles.

*From the county of Posey*—Robert Dale Owen.

*From the county of Vanderburgh*—Joseph Lane.

*From the county of Warrick*—Christopher C. Graham.

*From the county of Gibson*—James Devin.

*From the county of Cass*—Job B. Eldridge.

*From the county of Floyd*—Isaac Stewart.

*From the county of Jackson*—John F. Carr.

*From the county of Scott*—William Truelock.

*From the county of Jennings*—John L. Spann.

*From the county of Knox*—Samuel Judah.

*From the county of Daviess*—John Flint.

*From the county of Martin*—John Riley.

*From the county of Vigo*—Amory Kinney and George W. Cutter.

*From the county of Sullivan*—Samuel Brown and George Boone.

*From the county of Putnam*—John McNary, John C. Chiles and James Townsend.

*From the county of Montgomery*—John Bryce and James R. M. Bryant.

*From the county of Crawford*—Samuel Sands.

*From the county of Perry*—Robert G. Cotton.

*From the county of Spencer*—William Jones.

*From the counties of Pike and Dubois*—George H. Proffitt.

*From the counties of Grant and Wabash*—Josiah L. Wines.

*From the counties of Noble, Lagrange, Seibeen and DeKalb*—David B. Herriman.

*From the counties of Kosciusko, Marshall and Stark*—Aaron M. Perrine.

*From the counties of White, Jasper and Pulaski*—William M. Kenton.

*From the counties of Miami and Fulton*—Alexander Wilson.

*From the county of St. Joseph*—Elisha Egbert.

*From the county of Delaware*—David Kilgore.

*From the county of Randolph*—Miles Hunt.

The House then proceeded to the election of a Speaker. Messrs. Hubbard & Champer, acting as tellers—and, on counting the first ballot it appeared that

Thomas J. Evans, received	56 votes.
Robert Hanna, “	38 “
Scattering,	2 “

Thomas J. Evans having received a majority of all the votes given, was declared duly elected Speaker of the House of Representatives, during the present session, and was conducted to the Chair by Messrs. Proffitt & Thompson, whence he made his acknowledgements to the House.

On motion of Mr. Graham,

The House proceeded to the election of principal Clerk—Messrs. Graham & Cotton acting as tellers; when on counting the first ballot it appeared that

Jehu T. Elliott, received	85 votes.
Scattering,	7 “

Jehu T. Elliott having received a majority of all the votes given, was declared duly elected: was sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

On motion of Mr. Brice,

The house then proceeded to the election of assistant Clerk—Messrs. Brice & Kilgore acting as tellers, and on counting the first ballot it appeared that

Daniel Mace, received	51 votes
Nathaniel Bolton, “	30 “
John Brownlee, “	10 “
Mr. Murphey, “	3 “
Scattering	2 “

Daniel Mace having received a majority of all the votes given, was

declared duly elected; sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

On motion of Mr. Smydth,

The House proceeded to the election of Enrolling Clerk—Messrs. Smydth & McClure acting as tellers, and upon taking the first ballot,

A. W. Gorman, received	14 votes.
C. R. Overman, "	9 "
James S. Thompson "	24 "
S. A. Huff, "	6 "
A. McLaurin, "	5 "
John A. Murphey, "	12 "
W. D. Farley, "	3 "
Joseph B. Nichol, "	6 "
Jacob H. Hager, "	12 "
W. H. Broomfield, "	5 "

No person having received a majority of all the votes given, the House proceeded to a second balloting, when it appeared that,

A. W. Gorman, received	16 votes.
C. R. Overman, "	9 "
James S. Thompson, "	28 "
S. A. Huff, "	6 "
A. McLaurin, "	3 "
John A. Murphey, "	10 "
W. D. Farley, "	4 "
Joseph B. Nichol, "	4 "
Jacob H. Hager, "	11 "
W. H. Broomfield, "	5 "

No person having received a majority of all the votes given, the House proceeded to a third balloting when it appeared that,

A. W. Gorman, received	14 votes.
C. R. Overman, "	4 "
James S. Thompson, "	40 "
S. A. Huff, "	4 "
A. McLaurin, "	1 "
John A. Murphey, "	9 "
W. D. Farley, "	3 "
Joseph B. Nichol, "	3 "
Jacob H. Hager, "	15 "
W. H. Broomfield, "	4 "

No person having received a majority of all the votes given, the House proceeded to a fourth balloting when it appeared that

James S. Thompson received	44 votes
A. W. Gorman "	12 "
Jacob H. Hager "	14 "
S. A. Huff "	3 "
John A. Murphey "	10 "
C. R. Overman "	2 "
W. D. Farley "	6 "

Joseph B. Nickol	"	2	"
W. H. Broomfield	"	4	"

No person having received a majority of the votes given.

On motion of Mr. Milroy the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met, and proceeded to a fifth balloting for Enrolling Clerk; when it appeared that

Jacob H. Hagar received	43	votes.
James S. Thompson	33	"
John A. Murphey	18	"
S. A. Huff	1	"

No person having received a majority of all the votes given, the House proceeded to a sixth balloting when it appeared that

Jacob H. Hagar received	65	votes
James S. Thompson	31	"
John A. Murphey	1	"

Jacob H. Hagar having a majority of all the votes given, was declared duly elected Enrolling Clerk, was sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

Mr. Carr of Jackson moved the adoption of the following resolution.

*Resolved*, That this House now proceed to the election of Door-Keeper, to which Mr. Milroy moved the following amendment;

That this House now proceed to the election of Door-Keeper, who shall procure at his own expense all necessary assistance, and shall receive six dollars per day during the Session, which amendment was negatived: The question then recurring on the adoption of said resolution, was decided in the affirmative.

The House then proceeded to the election of Door-Keeper.

Messrs. Carr of J. and Champer acting as tellers, and upon taking the first ballot it appeared that

James Fisler received	54	votes.
J. E. Johnson	20	"
Elijah Knight	18	"
John Patterson	2	"
D. E. Rolcs	2	"
Peter Winchel	1	"
Scattering	1	"

James Fisler having received a majority of all the votes given, was declared duly elected, sworn into office, and entered upon the discharge of his duties.

Mr. Arnold, moved that the House now proceed to the election of a Sergeant-at-Arms,

To which motion Mr. Hubbard moved the following amendment.

*Resolved*, That this House will, the Senate concurring, proceed to the election of a Sergeant-at-Arms on joint ballot, when

On motion of Mr. Proffitt,

Said motion and impending amendment were laid on the table.

On motion of Mr. Kilgore,

*Resolved*, That the Clerk of this House inform the Senate that the House of Representatives have convened, formed a quorum, and elected Thomas J. Evans Speaker, Jehu T. Elliott Principal Clerk, Daniel Mace Assistant Clerk, Jacob H. Hagar Enrolling Clerk, and James Fisler Door-Keeper;

And are now ready to proceed to legislative business.

On motion of Mr. Thompson,

*Resolved*, That a committee of two be appointed on the part of this House to act with a similar one on the part of the Senate, to wait on the Rev. Mr. Wiley, and request him to attend in the Hall of the House of Representatives, to-morrow morning at 10 o'clock, to open the present Session of the General Assembly by prayer, and that the Senate be requested to reciprocate this resolution, and that seats be prepared for them on the right of the Speaker's Chair—Messrs. Thompson and Pettit were appointed said committee on the part of the House.

On motion, the House adjourned until 9 o'clock to-morrow morning.

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## TUESDAY MORNING, DEC. 4. 1838.

The House met pursuant to adjournment.

On motion of Mr. Perine,

*Resolved*, That a committee of two be appointed on the part of this House, to act with a similar committee on the part of the Senate, to wait on His Excellency, the Governor, and inform him that the two Houses of the General Assembly have convened, elected their officers, and are ready to receive any communication he may be pleased to make to them, and learn from him at what time he will make such communication.

Messrs. Perine and Bryant were appointed said committee.

On motion of Mr. Chiles,

The Resolution and amendment laid on the table on yesterday, relative to the election of a Sergeant-at-Arms, were taken up; and the question being on the amendment, was decided in the negative: and the question then recurring on the passage of said resolution, it was decided in the affirmative.

On motion of Mr. Kilgore,

Leave of absence was granted to Mr. Wyman.

The following message was received from the Senate, by Mr. Test, their Principal Secretary,

**MR. SPEAKER:**

I am instructed by the Senate to inform the House of Representatives, that the Senate has reciprocated the resolution of the House, appointing a committee to act with a similar one on the part of the Senate, to wait on the Rev. Mr. Wiley, and request him to attend in the Hall of the House of Representatives, this morning at ten o'clock, to open the present session of the General Assembly by prayer.

Messrs. Thompson of P. and Vawter, are appointed said committee on the part of the Senate.

Mr. Kilgore introduced a Bill, No. 1, "For the formation of the tenth Judicial Circuit,"

Which was read the first and second times, the rules being dispensed with, when,

On motion of Mr. Hubbard,  
Said bill was laid on the table.

On motion of Mr. Milroy,

*Resolved*, That a select committee be appointed, consisting of seven members, whose duty it shall be to enquire, how, and in what particulars, and to what extent the system of Internal Improvement, can, with advantage to the State, be modified, so as to secure a prudent and economical prosecution of the public works, and at the same time guard against the creation of a debt beyond the resources of the State to pay, with leave to report by bill or otherwise.

*Ordered*, That Messrs. Milroy, Blair, Devin, Owen, Noel, Lewis, and Field, be appointed said committee.

Mr. Judah introduced a Bill No. 2, to authorise a "special session of the Probate Court of Knox county,"

Which was read the first, second, and third times, and passed; the rules of the House being dispensed with.

*Ordered*, That it be entitled an act, and that the clerk carry it to the Senate and request their concurrence therein.

Mr. Proffitt moved the adoption of the following resolution,

*Resolved*, That this House will, on Wednesday, the 5th instant, at 10 o'clock, A. M., the Senate concurring therein, proceed to the election of a Senator of the United States, in the place of the Honorable John Tipton, whose term of service will expire on the 3d day of March next.

Mr. Kilgore moved to amend said resolution by striking out "Wednesday," and inserting in lieu thereof, "Thursday," which did not prevail.

Mr. Marshall then moved to lay said resolution on the table.

And the ayes and noes being requested thereon, by Messrs. Proffitt and Owen,

*Those who voted in the affirmative were,*

Messrs. Albertson, Allison, Anderson, Blair, Brenton, Bryant, Chapman, Cooper, Conaway, Cotton of Switzerland, Earl, Eggleston, Field, Gregory, Hanna, Healey, Hendricks, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Judah, Kenton, Kilgore, Lewis, Marshall, Mason, McCarty, McClure, Morgan, Morrow, Noel, Powell, Rose, Terrell, Thompson, Truelock, Willey, Williams, Wilson of Harrison, Mr. Speaker—43.

*Those who voted in the negative were,*

Messrs. Alley, Arnold, Baker, Boone, Bowles, Bright, Brown, Bryce, Carr of Jackson, Carr of Lawrence, Champer, Chiles, Clymer, Cogswell, Cotton of Perry, Cutter, Devin, Dole, Dumont, Eldridge, Flint, Glass, Graham, Helmer, Herriman, Jones, Kinney, Lane, Lee, Major, Matson, McNary, Milroy, Monroe, Nelson, Owen, Parker, Peasley, Perine, Pettit, Proffitt, Puett, Reynolds, Riley, Rush, Sands, Smydth, Spann, Stewart, Townsend, Wilson of Miami, Wines—52.

And so said motion was negatived.

Mr. Thompson, from a select committee made the following report:

MR. SPEAKER—

The committee appointed on the part of this House to wait on the Rev. Mr. Wiley, in conjunction with a similar one to be appointed on the part of the Senate, have performed that duty, and respectfully report that, that gentleman will attend this morning at 10 o'clock in compliance with the request of both Houses of the General Assembly.

On motion of Mr. Thompson,

*Resolved*, That the Senate be invited to attend in this Hall instantler, for the purpose of opening the present General Assembly with prayer, and that seats be provided for them on the right of the Speaker's chair.

The Senate came into the Hall and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker,

When the Rev. Mr. Wiley came in, attended by the joint committee appointed for that purpose, and addressed the Throne of Grace with solemn prayer; when the Senate returned to their chamber.

When the House resumed the consideration of the resolution on the subject of electing United States Senator.

Mr. Kilgore moved to indefinitely postpone said resolution.

The ayes and noes being requested thereon,

*Those who voted in the affirmative were,*

Messrs. Allison, Blair, Cooper, Conaway, Cotton of Switzerland, Dumont, Earl, Egbert, Eggleston, Field, Gregory, Healey, Hendricks, Hubbard, Hunt, Jackson, Judah, Kilgore, Lewis, Marshall, Mason, Morgan, Morrow, Powell, Rose, Terrell, Truelock, Willey, Wilson of Harrison—29.

*Those who voted in the negative were,*

Messrs. Albertson, Alley, Arnold, Baker, Boone, Bowles, Brenton, Bright, Brown, Bryce, Carr of Jackson, Carr of Lawrence, Champer, Chapman, Chiles, Clymer, Cogswell, Cotton of Perry, Cutter, Devin, Dole, Eldridge, Flint, Glass, Graham, Hanna, Helmer, Herriman, Hunt, Johnson of Marion, Jones, Kenton, Lane, Lee, Major, Matson, McCarty, McClure, Milroy, Monroe, Nelson, Noel, Owen, Parker, Peasley, Pettit, Proffitt, Puett, Reynolds, Rush, Sands, Smydth, Spann, Stewart, Thompson, Townsend, Williams, Wilson of Miami, Wines, Wyman, Mr. Speaker—60.

And so said motion did not prevail.

Mr. Judah moved to lay said resolution on the table, which motion was decided in the negative.

Mr. Kilgore then moved to postpone said resolution until Thursday next.

And the ayes and noes being requested thereon by Messrs. Bryce and Proffitt,

*Those who voted in the affirmative were,*

Messrs. Albertson, Allison, Blair, Bryant, Chapman, Clymer, Cooper, Conaway, Cotton of Switzerland, Earl, Egbert, Eggleston, Field, Gregory, Hanna, Healey, Helmer, Hubbard, Hunt, Hurst, Jackson, Johnson of Monroe, Judah, Kilgore, Lewis, Marshall, Mason, Matson, McCarty, Morgan, Morrow, Powell, Rose, Rush, Terrell, Thompson, Truelock, Willey, Wislon of Harrison, Wilson of Miami, Mr. Speaker—41.

*Those who voted in the negative were,*

Messrs. Alley, Anderson, Arnold, Baker, Boone, Bowles, Brenton, Bright, Brown, Bryce, Carr of Jackson, Carr of Lawrence, Champer, Chiles, Cogswell, Cotton of Perry, Cutter, Devin, Dole, Dumont, Eldridge, Flint, Glass, Graham, Hendricks, Herriman, Johnson of Marion, Jones, Kenton, Kinney, Lane, Lee, Major, McClure, Milroy, Monroe, Nelson, Noel, Owen, Parker, Peasley, Perine, Pettit, Proffitt, Puett, Reynolds, Riley, Sands, Smydth, Spann, Stuwart, Townsend, Williams, Wines.—54.

And so said motion was lost.

Mr. Cotton of S. moved to postpone said resolution until Wednesday 2 o'clock, P. M.; which motion did not prevail.

And the question then recurring on the adoption of said resolution and the ayes and noes being requested thereon by Messrs. Hubbard and Judah,

*Those who voted in the affirmative were,*

Messrs. Alley, Arnold, Boone, Bowles, Brenton, Bright, Brown, Bryce, Carr of Jackson, Carr of Lawrence, Champer, Chiles, Clymer, Cotton of Perry, Cutter, Devin, Dole, Dumont, Eldridge, Eggleston, Flint, Glass, Graham, Hanna, Hendricks, Herriman, Hunt, Johnson of Marion, Johnson of Monroe, Jones, Kenton, Kinney, Lane, Lee, Major

McClure, Milroy, Monroe, Nelson, Noel, Owen, Parker, Peasley, Perrine, Pettit, Proffitt, Puett, Reynolds, Riley, Rush, Sands, Smydth, Spann, Stewart, Townsend, Williams, Wines—57.

*Those who voted in the negative were,*

Messrs. Allison, Anderson, Baker, Blair, Bryant, Chapman, Cogswell, Cooper, Conaway, Cotton of Switzerland, Earl, Egbert, Gregory, Healey, Helmer, Hubbard, Hurst, Jackson, Judah, Kilgore, Lewis, Marshall, Mason, Matson, McCarty, Morgan, Morrow, Powell, Rose, Terrell, Thompson, Truelock, Willey, Wilson of Harrison, Wilson of Miami—36.

And so said resolution was adopted.

A message from the Senate by Mr. Test their Principal Secretary:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution:

*Resolved*, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected Charles H. Test Principal Secretary, William H. Martin Assistant Secretary, John R. Ross Enrolling Secretary, and Henry Woods Door-keeper, and that they are ready to proceed to legislative business.

Also, the Senate have adopted the following resolution:

*Resolved*, That the joint rules which were in force for the government of the last General Assembly, be adopted by the Senate as the rules of joint action for the present session, and that the House of Representatives be informed of the adoption of said joint rules, and their concurrence requested therein.

On motion said resolution relative to the joint rules of the two Houses was reciprocated.

The following message was received from the Senate by Mr. Test their Principal Secretary:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that the Senate have adopted the following resolution, viz:

*Resolved*, That a committee of two on the part of the Senate, be appointed to act with a similar committee to be appointed on the part of the House, to wait on His Excellency the Governor, and inform him that the two Houses have convened, elected their officers, and are ready to receive any communication he may be pleased to make to them, and to know at what time he will make such communication; and that the House of Representatives be informed of the adoption of this resolution, and a similar one on their part requested.

Messrs. Vawter and Finch are the committee appointed on the Part of the Senate for that purpose.

On motion of Mr. Marshall,

*Resolved*, That the rules adopted at the last session of the General Assembly, by the House of Representatives, for their government, be adopted by this House during the present session, and that a sufficient number thereof be furnished for the use of the members of this House.

On motion of Mr. Boone,

*Resolved*, That the Door-keeper of this House shall not be allowed to employ more than two assistants at the expense of the state, and that it shall be the duty of the Treasurer of State to employ a good and sufficient hand by the month to prepare the wood for fires, and do such other work as may be necessary.

On motion of Mr. Bryce,

*Resolved*, That a committee of five be appointed to examine into and report upon the unfinished business of the last session of the legislature; and further, it shall be their duty to examine into the reason of the failure in not distributing the laws of the last session at an earlier period; and that said committee have power to send for persons and papers.

Messrs. Bryce, Cotton of S., McCarty, Champer and Jackson were appointed said committee.

Mr. Perine from the joint committee on that subject made the following report:

The joint committee appointed to wait on His Excellency the Governor and inform him that the two Houses of the General Assembly have met, formed a quorum, elected their officers, and are ready to receive any communication he should be pleased to make, have performed that duty, and received for answer, that the Governor would this day at 2 o'clock P. M. make a communication to the two Houses, in the hall of the House of Representatives.

On motion, the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Lee introduced a bill, No. 3, to regulate the jurisdiction of justices of the peace in the county of Bartholomew;

Which was read the first, second and third times and passed; the rules of the House being dispensed with.

*Ordered*, That it be entitled an act, and that the clerk carry it to the Senate and request their concurrence therein.

Mr. Judah introduced a bill, No. 4, relative to the board of internal improvement.

Which was read the first time and passed to a second reading on to-morrow.

On motion of Mr. Noel,

*Resolved*, That the Senate be invited to attend instantler, in the hall of the House of Representatives to receive the message of His Excellency the Governor, and that seats be prepared for them on the right of the Speaker's chair.

On motion of Mr. Milroy,

*Resolved*, That ex-governors Hendricks, Ray and Noble, the judges of the Supreme Court and District Courts, and Col. Boone be invited to seats in the hall of the House of Representatives during the delivery of the Governor's message.

The Senate then came into the hall and took their seats on the right of the Speaker's chair, the President on the right of the Speaker.

His Excellency the Governor then came in, attended by the joint committee appointed for that purpose, and in presence of both Houses delivered the following message:—

GENTLEMEN OF THE SENATE

AND OF THE HOUSE OF REPRESENTATIVES:

You have been sent up to this place by the people of Indiana, charged with the execution of most important trusts. The great interests of the state, be they civil or political, are almost exclusively in your keeping; and never before, I speak it advisedly, never before have you witnessed a period in our local history that, more urgently, called for the exercise of all the soundest and best attributes of grave and patriot legislators, than the present. Extreme prudence and foresight, frugality and economy, decision and energy, promptness and perseverance, should unquestionably mark the whole tenor of your future conduct and legislation; for it is by these only that success can be insured to our splendid enterprises—a speedy and adequate realization of profit to our many burthens and expenditures, and above all, an unabated confidence in our own ability and resources. The truth is, and it would be folly to conceal it, we have our hands full, full to overflowing! and therefore to sustain ourselves, to preserve the credit and character of the state unimpaired, and to continue her hitherto unexampled march to wealth and distinction, we have not an hour of time, nor a dollar of money, nor a hand employed in labor, to squander and dissipate upon mere objects of idleness, or taste, or amusement. On the contrary we have the most pressing need for the whole of them, nor this only, we require that they should be concentrated as much as possible; and skilfully and energetically applied to the great business in hand. If such a result can be brought about, and I see nothing but the illiberal opposition of local or individual interests to prevent it. I have no hesitation in saying that Indiana is still safe and that she must and will ultimately triumph.

To make these things sufficiently manifest, it seems to me, both right and proper, that we should attempt here what some perhaps would call a species of political reckoning: In other words, that we should carefully endeavor to cast about us in view of approaching difficulties, to ascertain, if we can, our true position, the exact measure of our strength, embracing as it must the full extent of our several means and resources. Such an exhibit it is very evident will, better than any thing else, prepare the people to act with the

necessary prudence to decide upon the best measures, and to fortify themselves and the state most successfully against the severest shocks of any and every trial.

In the prosecution of so desirable a scheme, let us, ere setting out, accurately determine first, what the present liabilities of the state amount to, and, secondly, what sums must be annually raised to meet or liquidate the demands accruing therefrom. By referring to the reports of our Canal Fund Commissioners, we learn that the state has borrowed for internal improvement purposes up to the first of January last, three millions eight hundred and twenty-seven thousand dollars: One million three hundred and twenty-seven thousand for the Wabash and Erie Canal, and the remaining two and a half millions for the benefit of our other works. Upon the whole of this sum, with the exception of a hundred thousand dollars, the state pays an annual interest of five per cent.—for the hundred thousand she pays six per cent., which makes her interest account alone for 1839 amount to one hundred and ninety-two thousand three hundred and fifty dollars. This therefore, in part, furnishes an answer to our second query, inasmuch as this is the sum to be provided for and paid by the state, not only for the coming but for many succeeding years. With this knowledge before us, the question, the important question! forcibly presents itself, what provisions have we or our predecessors made to enable us to discharge so considerable a burthen? Independent of taxation, I confess that I can name but two items; first the interest arising from the balances due upon the sale of canal lands; and, secondly the proceeds of the third instalment of the surplus revenue; both amounting to not more than forty-five thousand dollars, which subtracted from the one hundred and ninety-two thousand three hundred and fifty dollars, leaves a deficit of one hundred and forty-six thousand eight hundred and fifty dollars to be levied out of, or charged upon the pockets of the people.

If this developement does not startle or astonish, it should, at least, it occurs to me, wake us up to a lively sense of the critical peculiarity of our situation, and of the absolute necessity of our directing more of our immediate attention and study to our financial operations than we have hitherto done. It may be asked, and with the greatest propriety too, is it possible that the sum of forty-five thousand dollars is all that our means, exclusive of taxation, is capable of producing, or of being applied to the extinguishment of our yearly burthens? To answer this question satisfactorily, it is requisite that we should examine facts. On the first of January last the state had sold canal lands to the amount of 546,804 dollars—368,000 of which remains in the hands of the purchasers, subject to an annual interest of six per cent.; leaving, however, 178,804 dollars, together with 22,070 dollars, (the purchasers' interest for 1838,) in the possession of the state for investment. The state had also received from the treasury of the United States 860,254 dollars—three-fourths of her share of the surplus revenue—making, in all, 1,429,128 dollars. This sum, therefore, I take it, constituted at the commencement of the present

year, the absolute capital capable of productiveness, which the state held at her disposal. 1,061,128 dollars of which, we see was money in hand, or which had been in hand. If properly invested, in bank stock, for example, what should this latter sum have produced? Not less than ten per cent., or 106,112 dollars, as the operations of the bank, for the same period, most undeniably prove: add to this sum the 22,080 dollars—the interest on the 368,000 dollars—and we have 128,112 dollars, as the whole amount which might and ought to have been produced from the state's capital this year. Yet so it is, when we come to close our accounts and to pay our debts, at the end of the year, we find the proceeds of this capital so disposed of, or the capital itself so managed, that we can only muster from it 45,500 dollars to apply to our internal improvement dues. It avails us nothing, I apprehend, to be told that 44,000 dollars in addition to the 45,500, has been realized from the same capital, and distributed among the several counties of the state for school purposes—our debt has not been diminished by it; the same heavy deficit of 146,850 dollars still stares us in the face; and what is more mortifying than all, the fact—the humbling fact! that by our miserable management heretofore, there has been lost to the state, this single year, some 38,612 dollars (the difference between 89,500 dollars, actually realized, and 128,112 dollars, that might have been realized) thrusts itself upon us, whether we will or no—not to comfort—not to cheer—but to upbraid and catechise us.

And will a change of position, or the enlargement of our field of enquiry, so as to embrace within its limits the whole of the state's means, taxation and all, better the foregoing results or give to our affairs a more comfortable aspect! Let us see. The value of the entire taxable property of the state for 1838, as evidenced by the returns of several assessors, amounts to about ninety-eight or a hundred millions of dollars. The sum to be derived therefrom, including 89,000 polls, according to the present rate of taxation, may possibly reach 190,000 dollars. On the supposition then, that the current expenses of the state, and the expense of collecting the revenue, will not exceed ninety thousand dollars per annum. There will be left one hundred thousand dollars, to be applied to our internal improvement debt. But we have seen, that after exhausting all other funds provided for that purpose, that we are behind hand with this debt 146,850 dollars. Apply the 100,000 dollars to it, and still we are deficit 46,850 dollars. Now, need this to have been? Look back for a moment and reflect. If our actual means had been judiciously invested and correctly applied—invested and applied as once desired, and strenuously urged, by a very respectable portion of the friends of internal improvement, what would have been the probable condition of the treasury at the expiration of this same year '39? Set down the 128,112 dollars, which might have been realized from the state's means, exclusive of taxation, as just shown; and under it, the 100,000 dollars derived from taxation, and their united sums give the true answer to the question. That is, to be more explicit, these sums show, first, that we should have had in

the treasury, at the expiration of 1839, 228,112 dollars; and, secondly, that, instead of being minus 46,850 dollars, we should have paid our whole debt 192,350 dollars, and had a surplus left of 36,762 dollars. Is not this difference a very striking one? It most assuredly is; and yet, it is just the difference we may always look for between good and bad management. It is not necessary, nor would it be proper, that I should undertake here to explain the cause of these results. I shall fully accomplish my object, if I can only succeed in presenting our past errors in so distinct a light, as to arouse and stimulate you to the pursuit and adoption of such measures as may most effectually avoid them hereafter. Indeed, the necessity of so doing will strike you with ten-fold power, the moment you reflect, that all our plans and operations have been framed on so large a scale, that if we attempt to carry them forward, our present amount of indebtedness must be swelled, within the short space of the next four years, up to the sum of ten millions of dollars. If, therefore, we hereafter husband our means and resources no better than we have heretofore done—we continue to scatter, and divide, and dissipate them in the same wild and reckless manner, how, think you, shall we ever be able to meet and liquidate the increasing demands against the state, without unnecessarily pressing the people—shaking their confidence in our noble enterprize, and blasting, at once, the best hopes and the brightest prospects of State Improvement.

But whilst I am thus compelled to expose so unsparingly the mistakes of the past, to draw so gloomy a picture of the condition of the present—with the moral certainty ahead of the rapid increase of debt and difficulty, things so odious to us all, I take the utmost pleasure in assuring you, as an offset to these, and as a guarantee for the future, that the ability of the State, that her means and resources if properly disposed of, will and must continue to augment in a corresponding proportion to the demands and liabilities that we anticipate against her. Suffer me, then, to make this gratifying assurance evident; to marshall before you, as briefly as I can, the whole of these means, in order that you yourselves may determine whether my opinions be well founded or not.

The first item that presents itself to beset down as constituting a part and parcel of these means, is the capital we have just been considering, amounting, as we have seen, to **\$1429,128**

Secondly, 90,000 acres of Wabash and Erie canal lands lying along the line of said canal, between Fort Wayne and Logansport, worth, on an average, \$10 per acre, **900,000**

Thirdly, 294,624 acres of land, more selected and to be selected for that part of the same canal, between the Tippecanoe river and Terre Haute, worth, on an average, not less than \$6 per acre, **1767,744**

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**\$4096,872**

Fourthly, the fourth instalment of the Surplus Revenue, due 1st Jan. 1839, **286,751**

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**\$4383,623**

Does this look like bankruptcy? As though our onward career must terminate in distress and ruin? Why should it? Here is a clear unincumbered capital of at least four millions of dollars absolutely at our disposal; a capital that, invested either in Bank stock or in loans upon mortgage, must nett to the State not less than eight per cent., or 320,000 dollars per annum. Let the whole of this be applied to the extinguishment of our debt, and what would be the result? It would leave, to defray the entire interest on our anticipated debt of ten millions, only 180,000 dollars to be raised by taxation, or from our public works. Such being the case, let us inquire what we may set down the value of our taxable property at by 1842? the time when our debt may probably reach nine or ten millions. This value the present year, if the assessments had been correctly made, amounts to not less than one hundred and ten millions of dollars; by 1842, we know that six millions of acres of land must be added to the tax list, which, on the supposition that they will then average what the lands subject to taxation now average throughout the State, 10 dollars per acre, we shall have a clear addition of about sixty millions of dollars to the present sum of our taxables. Leaving the increase of personal property out of view altogether, still the facts show that we may reasonably calculate on having in the State by 1842, 170 millions of taxable property. Even at the present rate of taxation, this amount would produce 255,000 dollars; add the tax on 100,000 polls, 50,000 dollars, and the whole revenue collectable for 1842, would be in the neighborhood of 305,000 dollars, deduct 105,000 dollars for expenses of collection and the State government, and we should still have left 200,000 dollars to appropriate to the sinking of our debt; more than sufficient to pay the 180,000 dollars required from taxation or from our public works.

But the whole of these estimates and calculations, you will perceive, are based upon the supposition, that you will take immediate steps to render the foregoing means productive, by investing them as speedily as possible in the most profitable funds. To this end, therefore, I respectfully recommend that the 200,000 dollars, already derived from the sale of the canal lands, be converted into bank stock; and that the remaining unsold lands be disposed of as early as they well can be, without endangering their sacrifice, and the proceeds, as soon as received, invested in the same way. For nothing to me can be clearer than that, so long as the State can borrow at five per cent. and can invest her own funds at 8 and 10 per cent., that it would be not only the extreme of mismanagement, but the excess of folly, in her not to do it. But perhaps I may be told that we shall not be able to convert our lands into money immediately; that one portion of them is still unredeemed from the thralldom of the Indian title: true; but then is there no way to provide an antidote for all this? Suppose you increase the Bank capital another million of dollars, and apply the profits to make good the deficiencies that may result from such a contingency, see you not how completely the object would be attained by it? Indeed, I am not so certain but that this would be the better policy, even if the State could dispose of her lands now; for all, I think, will admit, that

the longer they are withheld from sale in consequence of the rapid increase of population and improvement around them, the greater will be their value.

Thus far scarce an allusion has been made to our public works; the probability or improbability of receiving any thing from them, in the meantime, has formed no part of any one of the preceeding calculations. Are they to be lost sight of? Are they to be set down as nothing? Not if we are permitted to judge from present appearances. For by looking to their present state of forwardness, we find ninety miles of the Wabash and Erie canal; thirty-one miles of the White Water Canal; twenty-three miles of the Indianapolis division, and twenty miles of the Southern division of the Central Canal; twenty-two miles of the Madison and Indianapolis Rail-road; and forty-one miles of the New Albany and Vincennes McAdam road, completed and ready for navigation or use in the spring. We find furthermore, that there are now under contract fifty-five miles of the Wabash and Erie Canal; twenty-four miles of the White Water Canal; forty-three miles of the Central Canal; twenty-five miles of the Cross Cut Canal; seven miles of the Erie and Michigan Canal; the grading of twenty-seven miles of the Indianapolis and Lafayette Road; fifty-three miles of the Jeffersonville and Crawfordsville road; twenty-six miles of the New Albany and Vincennes road; and four miles of the Madison and Indianapolis Rail-road; making, altogether, an aggregate of two hundred and twenty-seven miles of canal, rail, and McAdam road completed, and two hundred and sixty-four miles now under contract; besides the dam and lock, and all the improvements necessary to overcome the obstructions at the rapids of the Wabash river. Facts certainly, which most cheeringly demonstrate, that, let our legislative supineness, or improvidence, or mismanagement, be what they may, that neither the Board of Internal Improvement, the Engineer Department, or the contractors and labourers engaged upon the works, can be charged with like defaults, or with having been wanting in any of the essential requisites of energy, or industry, or perseverance. Why, if the same spirit, the same energy, and the same perseverance, with a little better management, be only kept up, we may confidently assert that by 1843 the Wabash and Erie Canal, at least to Covington, if not farther, the White Water Canal to Hagarstown; the Central Canal from Evansville to the feeder dam on White River, and from Martinsville to the Wabash and Erie Canal, the Cross Cut Canal, the Madison and Indianapolis Rail Road, and the New Albany and Vincennes McAdam Road, will all be completed and in full operation, besides considerable portions of the Erie and Michigan Canal, the Lafayette and Indianapolis, and the Jeffersonville and Crawfordsville McAdam Roads. Can it therefore, with the least shade of propriety, be said that nothing can or ought to be expected from them in the mean time; in a word, that they are to be only a burthen and an expense to us? Strange if it would!

I have now finished as briefly as I could, what I promised in the beginning to endeavor,—the ascertainment of our true position—the ex

act measure of our strength—embracing the extent and character of our several means and resources; the facts, the conclusions and the recommendations growing out of them, I leave with you, that you may dispose of or give to them whatever weight or consideration your better judgments may dictate. I proceed in the next place to examine the mode and manner in which our public works have been prosecuted. Unless I greatly err, the spirit of economy may be permitted to enter here and become a reformer to a very considerable extent, many useless expenditures may be avoided, and the system conducted in such a way as to render the works more speedily productive, and consequently less burthensome to the people. And here permit me to remark, that my views on this branch of our enquiry have undergone no change. The plan I suggested twelve months ago, in the address I had the honor of delivering from this place on taking the Executive chair, I still adhere to. Indeed, experience since has only confirmed me in it the more strongly. What was it? It was simply “to concentrate” (for I repeat the same language) “the means of the State on portions of each work, at the same time commencing at the most profitable and commercial points to be designated by the Legislature or the Board of Internal Improvement; to complete these portions respectively before others are touched; and as soon as completed put into use, in order that the State may be realizing something from them, whilst she is in the act of finishing the remainder.” Was this plan adopted? Has it been acted on? The very reverse. Cast your eyes over the map of the State, and you will find portions of many of the works under contract remote from each other, so much so, that in some instances it will require the labour of two or three years to connect them together. What must be the consequence? Why, that the money expended upon them must remain just so much dead capital until the connection between them can be effected. But my plan obviates these objections in a great measure. The same extent of work would be completed by it in the same time, but with this marked difference, that while the latter portions are completing, the first portions completed would be in use, gathering tolls and benefiting the country through which they pass. Am I asked to designate a course that would likely lead to such a result? To point out the steps by which a reformation can be safely effected? I propose and recommend first that the Board of Internal Improvement be reorganized; that it be made hereafter to consist of but three members, to be elected by the Legislature, regardless of locality or place, with a fixed salary each of fifteen hundred dollars per annum; that it be made the duty of one of them to take charge of the Erie and Michigan Canal, the Wabash and Erie Canal to Logans port, to superintend the sales and collection of the interest on canal lands, and that the other two have the care of the remaining works divided between them. Give to this Board also the power of employing and fixing the pay or salaries of engineers. The Board, as at present constituted, costs the State eleven thousand four hundred and ninety-seven dollars and fifty cents. As I propose to constitute

it, it would cost only four thousand five hundred dollars a year; showing in favor of the latter proposition a saving to the State of near seven thousand dollars per annum. Secondly, that the several corps of engineers be so organized by the principal engineer, that but one corps be allowed to each work. If this measure can only be carried, two important results must follow; first, a great diminution of expense to the State, and, secondly, the prosecution of each work systematically. For then the Board would be compelled to complete as they advanced, and to concentrate the means of the State in the manner I have suggested. Had this rule been established in the beginning, the scattering system, as some have called it, could never have been acted upon.

If these measures be adopted, and the means of the State husbanded, invested, and applied in the manner I have proposed, the State, I feel assured, need apprehend but very little danger or difficulty. She will be able—amply able, to finish her present undertakings, and to do something in the mean-while for that first and most meritorious work which is now so rapidly going to decay—the Michigan Road. Too much money has been already expended upon this road to throw it aside entirely; besides, its importance and advantage to the country at large, are decidedly too great to suffer it to sink into obscurity or neglect. If, therefore, you cannot apply to it the whole energies of the State, and McAdamize it at once, may you not take steps to keep it in repair—to make it passable until you shall be able to take hold of it efficiently—requiring every improvement made upon it to be made with an eye to its future completion. This, I think, you may safely do, and that too without subjecting yourselves to the obnoxious charge of extending the system.

The sum appropriated by the Internal Improvement Bill to the construction of the Madison and Indianapolis Rail-road, is now nearly exhausted; so much so, that to prosecute it further, or even with the requisite energy, an additional appropriation becomes necessary.—That this will be done I cannot for a moment permit myself to doubt. It would speak but poorly indeed in behalf either of the wisdom or stability of the State to refuse it.

Having alluded to our State Bank, and having repeatedly intimated that we might probably use it as an instrument to relieve the people from the threatened burthen of taxation. Prudence suggests, however, before the adoption of such a measure, that we carefully scrutinize its capacity for such employment. Especially so, as experience teaches us the fearful lesson that there are limits beyond which if banking privileges and banking operations are carried, they cease to do good, and become engines of incalculable mischief. Indeed, I think I express no more than the common sentiment of the people of Indiana, when I say that I would much sooner submit to the inconveniences of increased taxation, than to see the State for a single hour flooded with depreciated or irredeemable Bank paper, the offspring of our own institutions. In attempting, therefore, to escape from or elude

the one evil, it becomes us, you see, to be exceedingly careful not to call down upon ourselves the other.

My recommendations would perhaps in the course of time lead to the addition of some four millions of dollars to our present bank capital. Would this be too much? would this in other words be more than the reasonable wants of the community would require? more than would be necessary to keep up and maintain a sound and healthy action in and between the various departments of our agricultural, mechanical and commercial interests throughout the state? For beyond this we ought not to go. In attempting to answer these questions, I confess that I find myself circumscribed by very serious difficulties. The most important facts, facts too without which no correct decision can be had, are not within my reach: no steps having been heretofore taken either to gather or treasure them up. Who, for example, can tell me the probable amount of our exports or imports the past or present year? who the amount even of our agricultural produce, the basis of all our wealth, the basis upon which all sound and safe calculations, at least so far as Indiana is concerned, can alone be made to rest? No one. In truth, throughout this wide field, there are but two facts observable that shed any, the least light upon this subject; and these are the sum total of our population, and the aggregate of their wealth; all else connected with them is more or less wrapped in the mists of doubt and uncertainty. Hence the enquiry resolves itself at once into this; will a population of 700,000 inhabitants, possessed of property, the estimated value of which is one hundred and ten millions of dollars justify the establishment of a bank capital of six millions of dollars? I think they will, and it would be no difficult matter to sustain this opinion by the experience of sound banking operations in other states did time and the occasion permit; but lest in this there might be error, I would recommend that the increase be gradually made, and that steps be taken in the meantime to procure the necessary information, such as I have just named, to enable you to graduate this increase judiciously and to stop short of the limits which common sagacity and prudence may designate. For I hope never to hear it charged to Indiana, that she converted her banks into swindling shops, or that she countenanced fraud or corruption in any shape, form or manner whatever.

By the courtesy of one of its officers, for the charter gives the executive no right to call on the bank officially for information, I have been permitted to learn that the operations of the Bank have enabled her to make an annual dividend of 10 per cent.; that after paying the interest on the amount of the capital borrowed, 1,390,000 dollars, she has accumulated a sinking fund of 276,086 50 cents. Facts certainly which connected with this other one, no less gratifying to our state pride, of the acknowledged credit and solvency of the institution speak not only loudly in its behalf, but augurs well for it in the future. In addition to the foregoing items, I have also learned that the present capital of some of the branches requires no increase while others do; that some declare a dividend of ten and twelve per

cent. while others only divide seven and eight; circumstances evidently, which should not be lost sight of when you are making provisions for the increase of their capital, or particularly when you are determining to invest the state funds in their stock. Policy and expediency both seem to dictate that these funds should be placed where they would at all times be the most available. For should the wants and interest of the state at any future period render the sale of any portion of her stock necessary, it requires not the wisdom of a Solomon to decide that stock in branches that divide ten and twelve per cent. would sell readier and command a better price than stock in branches that divide only seven and eight. The tax payer too, unless I err most egregiously, would feel that a profit of ten and twelve per cent. on the state's capital would occasion a much lighter draw on his pockets than a profit of seven or eight. Wherefore I would recommend, if you resolve upon such investments, that it be made the duty of the President of the State Bank and the state directors on the state board to distribute the state stock and to place the state funds especially, where they would do the most good and produce the greatest profit. I would devolve this duty on those individuals because they can always command a full knowledge of the capacity and wants of the different branches, and above all because they are elected by the legislature, and would therefore be held more directly responsible to the people.

Now that I am on the subject of the Bank, I seize the occasion to call your attention to another matter connected therewith. In their anxiety to guard the people and the public against the evils which banks unchecked by any supervisory power are but too apt to generate, the legislature among other things enacted "that when the Governor of the state shall have reason to believe that the charter has been violated, it may be lawful for him to order a scire facias to be sued out, calling on the corporation to show cause wherefore the charter should not be declared forfeited." Is not the discretion of the governor here a little too unlimited? For what shall constitute the sufficient grounds of his belief? Mere rumor, the exaggerated reports, the highly colored representations of perhaps disappointed or hostile individuals? He has no authority recollect, to institute an investigation of any kind; no matter how fictitious or how unfounded a charge against the bank may be, he has no means of finding it out. Indeed, for ought that appears upon the face of the charter, the credit and character of the institution, together with the vast interests it involves are in a greater or less degree at the mercy of the whim and caprice of the executive. He may constantly harrass it by suing out one scire facias after another, and always excuse himself by alleging that he had "reason to believe that the bank had violated its charter." Is he anxious to secure an election? What better expedient can he resort to than to make war upon the bank? Is it necessary to shield his conduct or the complexion of his principles from too severe a scrutiny, how more successfully can he accomplish this than to join in a crusade against the bank? The bank! Why hostility to the

bank or banks has become in these latter days a kind of universal panacea—a cure for every disease of political principle—the vilest leprosy of Federalism may even be made whole by it. With such and so many temptations therefore before him would it not be safer to limit his discretion somewhat; to define by law the proper sphere of his action; in a word, to furnish him with an instrument that he may use whenever charges and complaints are preferred against the bank, to enable him to determine before he acts whether there be any just foundation for them or not. He himself cannot do this; but you may; he cannot propound to it a single question; but you can; you can appoint an agent and can clothe him with sufficient power to make any investigation desired; you can compel this agent to report the results of his investigations both to the legislature and the executive, and to hold himself in readiness to enter at a moments warning any branch, whenever so directed by the executive, and to examine the grounds of any accusation that may be lodged with him against it. To me this appears decidedly the better course; better for the bank; better for the people; and better for the public generally. The governor would then have something substantial upon which to fix his reasons of belief—the facts reported by the examining agent; and, above all, it would tend to insure a close, cautious and rigid administration of the banks affairs. For none surely, with such a rod suspended over them, would dare for a moment to transcend their powers, or to practice frauds upon the community. The bank I hold, belongs to the people; was expressly created for their convenience and benefit; and should on that account be so conducted as to attain these ends, she ought therefore to be held responsible to them, and thrown open at any and all times to their scrutiny and examination, when sought for in the right way. Indeed I have no doubt but that the investigations already had have been of great service both to the bank and the public; for while they have rendered its officers more careful and diligent in the discharge of their duties, the bank has lost nothing in the estimation and confidence of the people.

Among the several items which I have enumerated as composing an important portion of the State's wealth, is the 294,624 acres of land, estimated by me to be worth 1,767,744 dollars. How this happens, or from what source it springs, may possibly need some explanation—we derive title to it from an act of Congress passed March 2d, 1827. This act grants to the State of Indiana, "for the purpose of aiding her in opening a canal, to unite at navigable points the waters of the Wabash river with those of Lake Erie, a quantity of land equal to one-half of five sections in width on each side of said canal, from one end thereof to the other; to be disposed of by the Legislature of the State for that purpose and no other." Subject to the following conditions: "that said canal shall be commenced within five years, and completed in twenty years, or the State shall be bound to pay to the United States the amount of any lands previously sold."—This grant the State accepted; she commenced the canal within the five years, and consequently entitled herself to all the benefits growing

out of it. But the act, you perceive, names no certain quantity of land which the State may take and dispose of: and this is likely to occasion us some difficulty—it merely establishes the rule by which that quantity may be ascertained. It must be equal to one-half of five sections in width on each side of the canal, from one end of it to the other. The length of the canal therefore must be the great governing point; for evidently the greater the length is the greater must be the quantity of land the State will be entitled to. Again, on the score of certainty, the act is still further at fault, because it neither fixes the navigable points to be united, nor limits the length of the canal, but leaves them both open to be afterwards settled by another authority. The question then occurs, to whom has this authority been given? Or in other words, in whom is the right to locate the canal vested? In Congress? In the President of the United States? Or, in the State of Indiana? Unquestionably in the latter. The act expressly gives it to her; for these are its words: “that so soon as the route of the canal shall be located and agreed on by the State, it shall be the duty of the Governor thereof, or such other person or persons as may have been, or shall hereafter, be authorised to superintend the construction of said canal, to examine and ascertain the particular lands to which the State will be entitled under the provision of this act, and report the same to the Secretary of the Treasury of the United States.”—There is certainly no ambiguity here; the right of Indiana to locate the canal, and consequently to fix the navigable points, as well as to determine its length, cannot, for a moment, be gainsaid. Has Indiana then exercised this right? Has she, in the language of the act, located and agreed on the route of the canal? She has; and as her statute book shows, she has fixed its terminating point at Terre Haute on the Wabash river. Who then objects to this? or rather, who has a right to object to this? Congress? The General Government? Neither, provided Terre Haute is at a navigable point on the Wabash river. Perhaps it may be asked, are there no reservations whatever to be found in this act, in favour of the United States? There are two, and but two. “The right of way; and the alternate sections from one end of the canal to the other, to be selected by the Commissioner of the General Land Office, under the direction of the President of the United States.” But do these, I ask, give to the Commissioner of the General Land Office, or to the President of the United States, a right to say to Indiana, “*thus far shalt thou go and no farther*,”—this shall be the terminating point of your canal and no other, or even to interfere with her in the selection of the lands? Surely not. The act, so soon as Indiana complied with the condition precedent—the commencement of the canal within the five years—gave to each party a separate and distinct property; to the United States the alternate sections; to the State of Indiana a quantity equal to one-half of five sections in width on each side of the canal, from one end of it to the other; nay more, it appoints separate and distinct agents to set this property apart—on behalf of the United States, the Commissioner of the General Land Office; on behalf of the State of India-

na, the Governor thereof, or the person having charge of the construction of the canal. Nothing to me can be clearer than all this. But lest I subject myself to the charge of taking only a one-sided view of the question, suffer me to present you with another. The United States have rights in this matter as well as Indiana. For if any one supposes that this grant was a pure free-will offering, made without any consideration but that of love or affection, or without any reservation of equivalents whatever, commits, to say the least of it, a very gross mistake. So far from this being the fact, Congress carefully reserves the right of way, free of tolls, from one end of the canal to the other, for the passage of all persons, and the transportation of all property, in the service of, or belonging to the United States. Suppose now that the State completes the canal to Terre Haute, and takes land for it only to the mouth of the Tippecanoe—in other words, that she unites the waters of Lake Erie with those of the Wabash at Terre Haute, how could she prohibit the United States from the use of their right of free way to that point? Where could she commence charging them with tolls for passage or transportation? At the mouth of the Tippecanoe? She has not carried the canal to it. At Lafayette? At Covington? The Wabash river during the months of July, August, September, and October, is not navigable from either of those points. What then? For here is a difficulty that must inevitably occur, and that too, every year. What would be the language of the United States at such a juncture? You bound yourself, they would say to Indiana, to unite the waters of Lake Erie with those of the Wabash at navigable points, and to give us the right of free way to them. Have you done so? and is either Lafayette or Covington one of these points? You see they are not, and you know they cannot be for several months in the year. What reply could Indiana make? How could she excuse herself for the non-fulfilment of her obligation? By saying that she only took lands to assist her to the mouth of the Tippecanoe? Why did she not take more? The grant gave her from one navigable point to the other; nay, to prevent all foreign interference, the act appointed her own public servants the agents to select and sell them for her. Don't you, at a glance, see how very difficult, nay, how utterly impossible it would be for the State to limit the United States' right of free way short of Terre Haute? What follows then? Why, simply this; that if the United States could claim and enjoy this right of free way, Indiana can claim and take the lands that were given to her as the consideration for that right. In fact the General Government has virtually acknowledged the soundness of the principles here contended for by allowing to Ohio, under precisely similar circumstances, lands for the extension of the same canal, terminating on Lake Erie. I hope I may be pardoned for so minute an examination of this subject. My only excuse is its importance. If my conclusions be correct, the State is entitled to near three hundred thousand acres of land more than she has yet received or taken. A property certainly of too much value.

and in our present circumstances, too necessary to strengthen and sustain us, to be either given up or lost without a struggle.

The line of this canal extends along the Wabash river, from Terre-Haute to the Ohio state line; which, according to the rule agreed on some years ago, between our then canal commissioners and the Commissioner of the General Land Office, entitles Indiana to take and dispose of 637,304 acres of land, 343,680 acres of which have been already selected, or in the way of selection—being for that part of the canal between the Ohio state line and the mouth of the Tippecanoe river; leaving 294,624 acres to be selected for that part of the canal between the mouth of Tippecanoe river and Terre-Haute. The act of Congress, you will observe, makes it the duty of the Governor, or the person having charge of the construction of the canal, to examine and ascertain these lands. According thereto, as the Governor of the state, I took to my assistance Messrs. Austin W. Morris, Douglass Maguire, and Judge William Poike, and, during the past summer, selected 73,710 acres of this land, and reported the same to the Secretary of the Treasury of the United States—postponing further selections to a future day. These lands lie principally in the counties of Marshall, Fulton and Kosciusco, and embrace all the Indian Reserves, so called, that have yet been surveyed. The enquiry may possibly be made, why resort to these lands? Why not take them on the line of the canal? For the simplest and best of all reasons. The lands on the line of the canal have, long since, been sold by the General Government, save 6,729 acres, which falls to the share of Indiana; and therefore, the late Governor, shortly before retiring from office, opened a correspondence with the present Commissioner of the General Land Office, in which he requested that officer to withhold certain townships and reserves of land from sale, in order that the state might satisfy her claim out of them. This, it appears, has been done; and the lands I have selected are a part of them. However, the Commissioner's reply, in short, the whole correspondence, I beg leave to refer you to, especially so as the views of the late Governor, accord with those I have advanced. I also take pleasure in laying before you a joint communication addressed to me from our entire delegation in Congress, together with the individual letters of the Hon. William Graham, James Rariden, Geo. H. Dunn, and Albert S. White, upon the same subject.

In relation to the lands selected, a Report of which, with the necessary maps, tract books, &c. will, in due time be laid before you. I have to request, that you will provide for the sale of them at such times, and on such terms as you may deem most advantageous for the general interest of the state. The third and last section of the act of Congress, making the grant as aforesaid, authorizes the state, after the selections shall have been made, under the authority of the Legislature, to sell or dispose of these lands, and to make to the purchasers a valid title.

On entering upon the public lands to make the selections aforesaid, I found the great majority of the finest tracts already occupied by individuals who had settled upon them with a view to the Unit-

ed States pre-emption law, and who, on the faith of that law, had made permanent and valuable improvements on them. To avoid a collision of interests with so meritorious a class of our fellow-citizens, and to secure to them all the benefits of this law, I sought to enable myself to make selections elsewhere, by requesting the Commissioner of the General Land Office to instruct the registers of the several land offices throughout the state, to withhold from sale all the lands I might select, on my filing with them, in their respective offices, a schedule of the same. This request, I regret to say, was not granted; which left me no other alternative but to continue the selection from the public lands not brought into market. A copy of my letter, together with the Commissioner's reply, accompanies this communication. However, in justice to the worthy settlers, I recommend, in their behalf, that they have the privilege of purchasing the lands they occupy, at the minimum price the legislature may fix upon them: or, on failure of that, that some just provision be made to compensate them for their improvements.

The returns of the assessment of taxable property the present year, exhibits a strange medley of contradictory facts. The number of polls has increased in the ratio we anticipated—being a fraction over 89,000, whilst last year they were but a little over 82,000. In 1837, 6,968,796 acres of land were returned as taxable, valued at 61,033,425 dollars; this year, 6,968,796 acres have been returned, valued at 55,721,591 dollars: shewing an increase of taxable land, of 783,082 acres, and a decrease, in the aggregate value, of the whole of 239,113 dollars. Again: the value of town lots, in 1837, was 9,181,443 dollars; this year, it is 13,752,148 dollars—being an increase of forty-five per cent. In 1837, the value of personal property was 24,724,146 dollars; this year it is only 22,812,312 dollars; shewing a decrease of near two millions of dollars! and what is more extraordinary than all, the corporation stock, which, in 1836, amounted to 890,923 dollars, this year is returned as being only 508,831 dollars; and this too, when we absolutely know, that the stocks of the insurance companies, the trust companies, the savings institutions, the bridge and road companies, with which the state is literally shingled over, have been greatly increased since that time. What do such facts prove? undoubtedly, that the present mode of assessing and collecting the revenue is wretchedly defective; and that the returns of the present year, are not to be relied on as furnishing anything like correct data. Why, for instance, should the increase of town property be forty-five per cent. this year over last? can any other reason be assigned for it than this—that town property has been more faithfully assessed than property elsewhere? Again, why should the value of personal property have diminished? The population has increased finely—our list of taxable polls has received an addition to it of near 7,000, yet the whole amount of personal property is less this year, by near two millions of dollars. It cannot be said, that the value of this kind of property has been affected by internal improvements, as lands have in

many of the counties. But why ask questions, when the cause is so clearly discernable? For surely, when so gross, so unpardonable an error can be committed in assessing the simple item of corporation stock: which, of all others is the easiest to come at; so as to miss one half or two thirds of it, may we not rationally conclude, that millions of other property have been omitted in the same way? I have no doubt of it. And furthermore, I have no doubt, but that if the whole taxable property of the state had been correctly assessed, it would have fallen nothing short of one hundred and ten millions of dollars. No Executive recommendation therefore, I presume, can be necessary to stimulate you to provide a prompt, speedy, and efficient remedy for such glaring defects.

In relation to the first and second instalments of the surplus revenue, which you will remember, has been loaned out in the several counties for school purposes, it occurs to me that sufficient guards have not been thrown around them, to protect them from destruction or loss. Too much of this fund is out on personal security. In 1837, of the 573,502 dollars which was loaned, 488,626 dollars of it was on personal, and 78,500 on mortgage security. This certainly ought never to be. The whole of this fund should be placed on the latter security; and although the Agents in their returns the present year show a very considerable improvement in this respect, yet the Legislature should make it obligatory upon them to take nothing hereafter in pledge but real estate. Your attention to this matter is respectfully solicited.

By the conditions of the late treaty with the Pottawatamie tribe of Indians in Indiana, the time stipulated for their departure to the west of the Mississippi expired on the 6th of August last. As this trying moment approached, a strong disposition was manifested by many of the most influential among them to disregard the treaty entirely, and to cling to the homes and the graves of their fathers at all hazards. In consequence of such a determination on their part, a collision of the most serious character was likely to ensue between them and the surrounding settlers. Apprehensive of such a result, and with a view to prevent it, the citizens of Marshall County, early in the month of August, forwarded to the Executive a petition, praying that an armed force might be immediately sent to their protection. On the receipt of this petition, I repaired as speedily as circumstances would permit to the scene of difficulty, in order to satisfy myself by a personal examination, whether their fears were justifiable or not. On my return to Logansport, a formal requisition awaited me from the Indian Agent, (Col. A. C. Pepper,) for one hundred armed volunteers, to be placed under the command of some competent citizen of the State, whose duty it should be to preserve the peace, and to arrest the growing spirit of hostility displayed by the Indians. This requisition was instantly granted. I appointed the Hon. John Tipton to this command, and gave him authority to raise the necessary number of volunteers. He promptly and patriotically accepted the appointment; and although sickness and disease prevailed to an alarming extent throughout north-

ern Indiana, yet such was the spirit and patriotism of the people there, that in about forty-eight hours afterwards the requisite force was not only mustered, but was transported into the midst of the Indians before they were aware of its approach, or before even they could possibly take steps to resist or repel it. This rapidity of movement; the known decision and energy of General Tipton, backed by his intimate acquaintance and popularity with the Indians, whom it was his business to quiet, accomplished every thing desired. The refractory became complacent; opposition to removal ceased; and the whole tribe, with a few exceptions, amounting to between eight and nine hundred, voluntarily prepared to emigrate. General Tipton and the volunteers accompanied them as far as Danville in Illinois, administering to them on the way whatever comfort and relief humanity required; there they were delivered over to the care of Judge Polke, and the United States Removing Agents. Copies of all the communications and reports made to the Executive by General Tipton while in the discharge of this duty, I lay before you, from which I feel assured you will discover with myself that much credit and many thanks are due not only to him, but to all who assisted him, in bringing so delicate an affair to so happy and successful a termination.

The act providing for the appointment of a State Geologist not having expired, I renewed the commission of Mr. David Dale Owen early in the spring. The results of his examinations the past year are highly gratifying. The mineral deposits in the western part of the State are found not only to be extensive, but of the very first quality. The Counties of Vermillion, Parke, and Fountain, appear to be peculiarly rich in stone coal and iron ore. In Vermillion, preparations are making to erect a furnace; in Fountain, in addition to her other minerals, salt water of the strongest kind has been obtained; and in Parke, coal "equal to the best bituminous coal of Pittsburg, or indeed of any portion of the United States," to use the language of Mr. Owen, has been taken from the coal banks on Sugar Creek. Add to all these the fact that the Wabash and Erie Canal passes through the midst of them, and what stronger assurances of permanent substantial and rapidly increasing wealth, could be asked for by any people? The Report of Mr. Owen will of course be presented to you, from which you will learn many additional interesting and important details. - You will be convinced, I think, of the propriety of continuing the office, in justice to other parts of the State, where strong indications of mineral deposits are likewise discoverable. The interest of the State certainly requires that these should be fully ascertained—a thing, by the way, not to be accomplished in one, two, or three years.

The cause of education, I am happy to state is prospering. A new and imposing character has been given to the State Institution at Bloomington. It has put on the habilaments, and assumed the dignity of a University. Its splendid endowments; its able and devoted professors; its healthful location; all claim for it, even though in infancy, a distinguished place among the great literary lights of the nation. This generation may indeed be proud of it, but above all, they should

be proud of the glorious destiny that awaits it—that of becoming the intellectual nursing mother of the future sons of Indiana. Auxiliary to the University are the numerous institutions reared and sustained by private munificence in various parts of the State. The Wabash College and the Asbury University in the West, South Hanover, the Franklin Institute, and the Dublin Academy in the South, Center and East, while the County Seminaries in many instances are acquiring great respectability, and are taking the stand they were designed to occupy in the system marked out by the Constitution. True, some of the Institutions above named have been assailed recently by severe calamities; but then the spirit of their friends has not been crushed; they are rebuilding and repairing their losses with renewed and successful energy. Nor can I omit observing, and at the same time lending my feeble commendation to the course pursued, and the ardor displayed by the school teachers of the county of Wayne. It would rejoice me much to see their example copied by those of a similar calling throughout the State. Their conventions are got up in the right way, breathe the right spirit, and show that they themselves entertain a just and becoming sense of the dignity and importance of their profession.

My attention has been directed to the very interesting subject of the education of the deaf and blind. By a communication from a Mr. James Hodge, the Secretary for the Institution of Deaf Mutes, and one of the Trustees of the Institution for the Blind, established at Columbus, in the State of Ohio. In order that the whole subject may be as fully submitted as possible, I lay the communication itself before you. From this document, it appears that there are now in that school of deaf mutes a number of pupils from Indiana, and that application had been made for the admission of several more, who, on account of their extreme indigence and inability to pay the necessary expenses, could not be received. But supposing, as I hope she well may, that Indiana will not consent to be behind any of her sister States, either in offices of benevolence or deeds of humanity—this, gentleman, suggests the propriety of her doing for her indigent Deaf and Blind, what Ohio has done and is now doing for hers—appropriate something from the public purse to enlighten and educate them. A nobler, a purer, a brighter act of genuine benevolence, cannot be made to grace your statute book. Permit me also to lay before you a letter upon the same subject from Mr. Samuel Reese, a very respectable and intelligent citizen of our own State, and to earnestly recommend the suggestions contained in it to your serious consideration.

On the subject of the manner in which the State Prison has been conducted the past year, I acknowledge that it is not in my power to make you any satisfactory communication. The act of last winter suspended the authority of the Governor to appoint a visitor as heretofore, and consequently placed beyond his controul the means of either acquiring or commanding the necessary information or intelligence concerning it. The Commissioner who superintends the erection of the new addition to the prison, is made the visitor by the 24th section of this

Act; and while it carefully clothes him with all the power requisite to enable him to conduct his examinations, it as carefully provides that whatever knowledge he may acquire shall be locked up in his own bosom. He is required to report nothing.

I feel that I should neglect a very important duty, were I to omit bringing to your notice the wretched condition to which our military organization has been reduced under the present system. If some efficient measures be not speedily taken, the time is not very remote when we shall not have a solitary vestige of an organized militia left within the limits of the State. The constitution of the United States has made it the duty of Congress to provide a uniform system of organization for the militia of the several States; and although its importance is universally felt, and various attempts have been made by the National Legislature to accomplish something upon this subject, it remains yet almost as the Constitution found it—a matter entirely of State concern. After so great a lapse of time, it has become a matter of necessity to await no longer the tardy legislation of Congress, and it is now unquestionably the imperative duty of the State to adopt some system which will give organization and strength to her military establishment. So dissatisfied are the people with the present imperfect arrangement, that in some regiments, I am informed, there have been no musters during the present year, and that others have become almost destitute of officers, in consequence of the indisposition of competent individuals to accept commissions under the existing law. A well regulated militia force must ever be, so long as our Republican Institutions continue, the great arm of our defence; without organization, it must ever be an armed mob, and must necessarily fail to command respect, or to answer the great objects which it was designed to accomplish. Liable to none of the objections which have usually and justly been opposed to the existence of standing armies, it appears to me a branch of our domestic institutions of the greatest importance, and one deserving the immediate and serious attention of the Legislature. Whilst upon this subject I would remark that no appropriation was made at the last Session to pay the salaries of the Adjutant and Quarter Master Generals, and I respectfully request you to make provisions for the same, as without it will not be in the power of the Executive to fill these important offices, with the expectation of having their duties strictly and faithfully performed.

My duty also requires me to inform you that our Public Records are in a situation entirely unsafe, and where they are exposed to total destruction by fire. They are at present deposited in the house erected for the use of the Governor, which is not fire-proof, surrounded by various offices under the same roof, whose occupants, be they ever so careful, may not always succeed in securing the safety of the building. In case of accident, the State would sustain a loss which the misfortunes of other States, and the conflagration of some of the public depositories of the United States, admonish us cannot be repaired by any subsequent attention or expenditure. Our duty, therefore, seems to require that we should place these important papers at once be-

*See envelope at ... of ...*  
*The ... for ... 38-40. ...*  
*he ... the ... will ...*  
Said committee were authorized to report a Bill providing for such number of new Circuits as the public good requires.

On motion of Mr. Marshall,

Said committee were further instructed to equalize and re-organize the present Judicial Circuits.

Mr. Milroy, presented the petition of A. L. Robinson and others, on the subject of the passage of a law to provide that property shall not be sold on execution for less than two thirds of its value, which was read and referred to a select committee, of Messrs. Milroy, Marshall, Egbert, Lane, Cutter, Eggleston, and Morrow.

Mr. Lane, presented the petition of John Mitchell and others, on the subject of an act being passed to authorize Samuel L. Olmstead to build a mill dam across a creek therein named, which was read, and on motion referred to a select committee, consisting of Messrs. Lane, Graham, and Devin.

Mr. Milroy, introduced Bill No. 6, to amend an act, entitled an act to establish a general system of Internal Improvement, *approved*, Jan. 27, 1836, also to amend a like act, approved, February 17, 1838, which was read a first and second time, the rules being dispensed with, and engrossed, and ordered to be read a third time on to-morrow.

Mr. Eldridge, presented the petition of Wm. M. Lemon and other citizens of Cass county, on the subject of building a bridge across the canal, on the road from Logansport to Monticello, which was read, and on motion laid on the table.

Bill No. 4, was taken from the table, and on motion of Mr. Milroy, referred to the select committee to which a resolution was heretofore referred on the same subject.

On motion, Mr. Judah was added to said committee.

The following message was received from the Senate, by Mr. Test, their Secretary.

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that the Senate has concurred in the amendment of the House, to the resolution of the Senate fixing on this day at ten o'clock as the time for electing a President Judge of the 4th Judicial Circuit, and Prosecuting Attorneys for the 2d 4th 5th 6th 8th and 9th Circuits.

On motion of Mr. Noel,

*Resolved*, That the Senate be invited into the Hall of this House instantly, to go into the election of Judges and Prosecuting Attorneys; and that seats be prepared for them on the right of the Speaker's chair.

The Senate then came into the Hall, and took their seats on the right of the Speaker's chair. The President of the Senate on the right of the Speaker, and both Houses of the General Assembly proceeded by joint ballot to the election of President Judge for the fourth Judicial Circuit. Messrs. Dunning and Thompson of Perry, acting as tellers

on the part of the Senate, and Messrs. Bright and Kilgore, on the part of the House. On counting the first ballot it appeared that,

Elisha Embree, received	128 votes.
Scattering	14 “

Elisha Embree having received a majority of all the votes given, was by the President of the Senate in the presence of both Houses of the General Assembly, declared duly elected President Judge of the fourth Judicial Circuit of the State of Indiana, to serve as such, for the term of seven years from and after the expiration of the term of the present incumbent.

Both Houses then, in like manner proceeded to the election of Prosecuting Attorney of the second Judicial Circuit. On counting the first ballot it appeared that,

John W. Payne, received	123 votes.
Scattering	19 “

John W. Payne having received a majority of all the votes given, was by the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney of the second Judicial Circuit of the State of Indiana, to serve as such for the term of two years, from and after the expiration of the term of the present incumbent.

After which the President of the Senate adjourned the convention until to-morrow morning 10 o'clock.

On motion of Mr. Hubbard,

The House adjourned until to-morrow morning 9 o'clock.

## THURSDAY MORNING, DECEMBER 6, 1838.

The House met pursuant to adjournment.

Mr. Bryce, presented the petition of Hosea Dean and others, citizens of Montgomery and Fountain counties, on the subject of a McAdamized road from Crawfordsville to Covington. Which was read, and on motion laid on the table.

On motion of Mr. Brown,

*Resolved*, That the several printers be directed to deliver their papers at the desks of the members, enveloped and ready for the mail.

On motion, Mr. Eldridge introduced, Bill No. 7, declaring a misprint in a certain act therein named. Which was read and passed to a second reading on to-morrow.

On motion, Mr. Thompson introduced Bill No. 8, to locate a state road therein named, which was read—Whereupon,

Mr. Perine moved to lay said bill on the table; which did not prevail.

On further motion of Mr. Thompson,

Said bill was read a second and third times and passed; the rules being dispensed with.

*Ordered*, That the clerk carry it to the Senate and ask their concurrence therein.

On motion, Mr. Field introduced, Bill No. 9, to amend an act entitled an act to incorporate the Jeffersonville Savings Institution.

Mr. Truelock introduced Bill No. 10, for the relief of Aaron Rawlings, which were each read the first time, and passed to a second reading on to-morrow.

On motion of Mr. Graham,

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives instantler, to continue the election of Prosecuting Attorneys, and that seats be prepared for them on the right of the Speaker's chair.

Whereupon, the Senate came into the Hall of the House of Representatives; the President of the Senate on the right of the Speaker, and both Houses then, as yesterday, proceeded to the election of Prosecuting Attorney, in the fourth Judicial Circuit, and on counting the first ballot it appeared that,

Evan D. Edson, received	69 votes.
Elias S. Terry, " "	44 "
Mr. Campbell, " "	26 "
Scattering,	2

No person having received a majority of all the votes given, both Houses then, in like manner proceeded to a second balloting, and on counting the votes it appeared that,

Evan D. Edson, received	77 votes.
Elias S. Terry, " "	62 "
Scattering,	3 "

Evan D. Edson having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney of the fourth Judicial Circuit of the State of Indiana, to serve as such for two years from and after the expiration of the term, of the present incumbent.

Both Houses then, in like manner proceeded to the election of Prosecuting Attorney of the fifth Judicial Circuit, and on counting the votes of the first balloting it appeared that,

William Quarles, received	73 votes.
Thomos D. Walpole, " "	67 "
Scattering	2 "

William Quarles having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney of the fifth Judicial Circuit of the State of Indiana, to serve as such for two years from and after the expiration of his present term of service.

Both Houses then, in like manner proceeded to the election of Pros-

ecuting Attorney of the sixth Judicial Circuit, and on counting the votes of the first balloting it appeared that,

David Macy, received	75 votes.
Samuel W. Parker, “	40 “
William Daily, “	26 “

David Macy having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney of the sixth Judicial Circuit, of the State of Indiana, to serve as such for two years from and after the expiration of the term of service of the present incumbent.

Both Houses then, in like manner proceeded to the election of Prosecuting Attorney of the eighth Judicial Circuit, and on counting the first ballot it appeared that,

John Wright, received	79 votes.
S. S. Tipton, “	50 “
Mr. Blakemore, “	9 “
Scattering,	2 “

Jonh Wright having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney of the eighth Judicial Circuit of the State of Indiana, to serve as such for two years from and after the term of service of the present incumbent.

Both Houses then, in like manner proceeded to the election of Prosecuting Attorney of the ninth Judicial Circuit, and on counting the first ballot it appeared that,

William C. Hanna, received	70 votes.
John B. Niles, “	68 “
Scattering,	1 “

William C. Hanna having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney of the ninth judicial circuit of the State of Indiana, to serve as such for two years from and after the expiration of the term of service of the present incumbent. The Senate then retired to their Chamber, and on motion, the House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

On motion of Mr. Bryce,

Messrs. Pettit and Bowles were added to the committee heretofore appointed, to inquire into the expediency of modifying the present system of Internal Improvement.

Mr. Field introduced bill No. 11, to prescribe the mode of electing United States Senator, which was read the first time.

Mr. Bryce moved to reject said bill—

And the ayes and noes being requested thereon by Messrs. Bryce and Milroy—

*Those who voted in the affirmative were,*

Messrs. Albertson, Alley, Allison, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Champer, Chapman, Chiles, Clymer, Coggsell, Cooper, Cotton of P., Cotton of S., Cutter, Devin, Dole, Dumont, Earl, Egbert, Eggleston, Eldridge, Flint, Glass, Graham, Gregory, Helmer, Hendricks, Herri-man, Hubbard, Hunt, Jackson, Johnson of Marion, Johnson of Mon-roce, Jones, Judah, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Ma-jor, Marshall, Matson, McCarty, McClure, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Peaslee, Perine, Pettit, Pow-ell, Proffitt, Puett, Reynolds, Riley, Rose, Rush, Sands, Smydth, Spann, Stewart, Thompson, Townsend, Truelock, Willey, Williams, Wilson, H. Wilson, M. Wines, and Mr. Speaker—86.

*Those who voted in the negative were,*

Messrs. Blair, Field, Hanna, Healey, Hurst, Mason, Parker, and Terrell—8.

So said bill was rejected.

The following message was received from the Senate by Mr. Test, their Secretary :

**MR. SPEAKER :**

I am instructed by the Senate to inform the House of Representa-tives that the Senate has concurred in the resolution of the House, to proceed to the election of a Senator of the United States, in place of the Honorable John Tipton, whose term of service will expire on the 30th March next, on Wednesday, the 5th instant, at 10 o'clock, A.M., with an amendment which is to strike out the words "Wednesday, the 5th," and insert Friday the 7th, to which amendment the concurren- ce of the House is respectfully requested.

Mr. Owen moved to concur in the amendment of the Senate ; which motion prevailed.

So it was decided to go into the election of United States Senator on Friday, the 7th instant, at 10 o'clock, A. M.

On motion, the House adjourned until to-morrow morning, 9 o'clock.

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FRIDAY, DECEMBER 7, 1838.

The House met pursuant to adjournment.

Joseph McCormack member elect of Fountain county, appeared produced his certificate, was sworn into office and took his seat.

Mr. Brown presented the petition of Calvin Patton and others, citizens of Sullivan county, praying an act to be passed to authorize the sale of school lands in said county;

Which was referred without reading to a select committee of Messrs. Brown, Boon and Kinney.

Mr. Hurst presented the petition of Lawrence Wood and others, on the subject of vacating a part of the town of Lebanon in Jackson county;

Which was referred to a select committee of Messrs. Hurst, Carr of J. and Spann, without reading.

Mr. Devin presented the petition of Larkin Bearchfield and others, on the subject of the county boundary line between the counties of Warrick and Gibson;

Which was read; and,

On motion, referred to a select committee of Messrs. Devin, Graham and Lane.

Mr. Egbert from the select committee appointed for that purpose, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of L. M. Taylor and others of St. Joseph county, praying an extension of time for the collection of the state revenue of said county, have directed me to report the following bill:

Bill No. 12, to extend the time of collecting the revenue of St. Joseph county;

Which was read a first and second times, and passed to a third reading on to-morrow.

Mr. Arnold moved a call of the House;

Whereupon, the clerk called the roll, and all the members answering to their names except Mr. Cogswell, a further call was suspended.

The House proceeded to the orders of the day.

Bill No. 7, declaring a misprint in a certain act therein named;

Which was on motion of Mr. Eldridge, referred to a select committee of Messrs. Eldridge, Milroy and Wilson.

No. 9, to amend the act to incorporate the Jeffersonville Savings Institution.

On motion of Mr. Hurst, referred to a select committee of Messrs. Hurst, Field and Boone.

On motion of Mr. Hubbard,

*Resolved*, That the Senate be invited into the hall of the House of Representatives instantler, for the purpose of proceeding to the election of United States Senator, and that seats be prepared for them on the right of the Speaker's chair;

Whereupon, the Senate came into the hall of the House of Representatives, and took their seats on the right of the Speaker's chair,

the President of the Senate on the right of the Speaker, and both Houses jointly proceeded, by vote *viva voce*, to the election of United States Senator; and on the first vote,

*The following members voted for Thomas H. Blake,*

Messrs. Bowen, Clarke of Tippecanoe, Moffat, Moore, Sigler, Stafford, Allison, Blair, Bryce, Champer, Chiles, Cutter, Devin, Dole, Earl, Eldridge, Flint, Kenton, Kinney, Lanc, Proffitt, Smydth, Thompson of Allen, Townsend, Williams of Morgan, Wines and Mr. Speaker—27.

*Those who voted for Ratliff Boon were,*

Messrs. Casey, Cathcart, Ewing of Cass, Hackett, Lowe, Thompson of Perry, Baker, Boone, Bowles, Brown, Graham, Herriman, Johnson of Marion, Jones, Major, Milroy, Monroe, Owen, Perine, Reynolds, Sands and Stewart—22.

*Those who voted for Milton Stapp were,*

Messrs. Arion, Bell, Cole, Crawford, Kennedy, Mount, Smith of Wayne, Stanford, Thompson of Johnson, Vawter, Williams of Wayne, Bright, Chapman, Cooper, Healey, Hendricks, Hubbard, Hunt, Jackson, Judah, Kilgore, Lee, Lewis, Mason, Matson, McCarty, Morgan of Rush, Morrow, Powell, Rose, Rush, Spann and Willey—33.

*Those who voted for Tilghman A. Howard were,*

Messrs. Brady, Bryant of Parke, Dobson, Dunning, Finch, Hargrove, Tuley, Turman, Watt of Union, Anderson, Arnold, Carr of Lawrence, Conaway, Johnson of Monroe, McCormack, McNary, Nelson, Noel, Parker, Pettit, Puett, and Riley—22.

*Those who voted for Charles Dewey were,*

Messrs. Armstrong, Baird of St. Joseph, Beard of Montgomery, Clark of Lawrence, Ewing of Allen, Hoagland, Little, Mitchell, Riley, Watts of Dearborn, Albertson, Brenton, Bryant of Montgomery, Carr of Jackson, Clymer, Cotton of Perry, Egbert, Field, Gregory, Helmer, Hurst, Marshall, McClure, Terrell, Truelock, Wilson of Harrison, Wilson of Miami and Wyman—28.

*Those who voted for John Dumont were,*

Messrs. Green, Morgan of Decatur, Smith of Ripley, Trimble, Walker, Alley, Cotton of S., Dumont, Eggleston, Glass, and Hanna—11.

Mr. Cogswell voted for Noah Noble—I.

Mr. Peaslee for William W. Wick—I.

No person having received a majority of all the votes given, both Houses in like manner proceeded to a second vote.

*Those who voted for Thomas H. Blake, were,*

Messrs. Bowen, Clark of Tippecanoe, Moffat, Sigler, Stafford, Trimble, Allison, Blair. Bryce, Champer, Chiles, Cutter, Devin, Dole, Earl, Eldridge, Flint, Kenton, Kinney, Lane, Proffitt, Smydth of Clay. Thompson of Allen, Townsend, Williams, Wines and Mr. Speaker—29.

*Those who voted for Ratliff Boon were,*

Messrs. Casey, Cathcart, Ewing of Cass, Hackett, Lowe, Thompson, of Perry, Baker, Boone, Bowles, Brown, Graham, Herriman, Johnson of Marion, Jones, Major, Milroy, Monroe, Owen, Perine, Reynolds and Sands—21.

*Those who voted for Mr. Stapp were,*

Messrs. Arion, Bell, Cole, Crawford, Kennedy, Morgan, Mount, Smith of Wayne, Stanford, Thompson of Johnson, Vawter, Williams of Wayne, Bright Chapman, Cooper, Healey, Hendricks, Hubbard, Hunt, Jackson, Judah, Kilgore, Lee, Lewis, Mason, Matson, McCarty, Morgan, Morrow, Powell, Rose, Rush, Spann, and Willey—34.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant, Dobson, Dunning, Finch, Hargrove, Moore, Tuley, Turman, Watt of Union, Anderson, Arnold, Carr of Lawrence, Conaway, Johnson of Monroe, McCormack, McNary, Nelson, Noel, Parker, Peaslee, Pettit, Puett, Riley and Stewart—25.

*Those who voted for Mr. Dewey, were,*

Messrs. Armstrong, Baird, of St. Joseph, Beard of M., Clark of L., Ewing of A., Hoagland, Little, Mitchell, Riley, Watts of D., Albertson, Brenton, Bryant of M., Carr of J., Clymer, Cotton of P., Egbert, Field, Gregory, Helmer, Hurst, Marshall, McClure, Terrell, Truelock, Wilson of H. Wilson of M. and Wyman—28.

*Those who voted for Mr. Dumont, were,*

Messrs. Green, Smith of R., Walker, Alley, Cotton, of S., Dumont, Eggleston, Glass and Hanna—9.

Mr. Cogswell voted for Noah Noble.

No person having received a majority of all the votes given, both Houses in like manner proceeded to vote of third time.

*And those who voted for Mr. Blake were,*

Messrs. Bowen, Clark of S., Moffat, Sigler, Stafford, Trimble, Allison, Blair, Bryce, Champer, Chiles, Cutter, Devin, Dole, Earl, Eldridge, Flint, Hanna, Kenton, Kinney, Lane, Proffit, Smydth of Clay, Thompson of A., Townsend, Williams, Wines and Mr. Speaker—28.

*Those who voted for Mr. Boon were,*

Messrs. Casey, Cathcart, Ewing of Cass, Hackett, Thompson of P., Baker, Boon, Bowles, Brown, Graham, Herriman, Johnson of Marion, Jones, Major, Milroy, Monroe, Owen, Perine and Sands—19.

*Those who voted for Mr. Stapp were,*

Messrs. Arion, Bell, Cole, Crawford, Kennedy, Morgan, Mount, Smith of W., Stanford, Thompson of J., Vawter, Williams, Bright, Chapman, Cooper, Healey, Hendricks, Hubbard, Hunt, Jackson, Judah, Kilgore, Lee, Lewis, Mason, Matson, McCarty, Morgan, Morrow, Powell, Rose, Rush, Spann and Willey—34.

*Those who voted for Howard were,*

Messrs. Brady, Bryant of M., Dobson, Dunning, Finch, Hargrove, Lowe, Moore, Tuley, Turman, Watt of Union, Anderson, Arnold, Carr of L., Conaway, Johnson of M., McCormick, McNary, Nelson, Noel, Parker, Peaslee, Pettit, Puett, Reynolds, Riley and Stewart—27.

*Those who voted for Dewey were,*

Messrs. Armstrong, Baird of St. Joseph, Beard of M., Clark of L., Ewing of A., Hoagland, Little, Mitchell, Riley, Watts of D., Albertson, Brenton, Bryant of M., Carr of J., Climer, Cotton of P., Egbert, Field, Gregory, Helmer, Hurst, Marshall, McClure, Terrell, Truelock, Willson, of H., Wilson of M. and Wyman—28.

*Those who voted for Dumont were,*

Messrs. Green, Smith of R., Walker, Cotton of S., Dumont, Egleson and Glass—7.

Messrs. Alley and Cogswell voted for Noah Noble.

No person having received a majority of all the votes given, both Houses in like manner proceeded to vote a fourth time.

*And those who voted for Mr. Blake were,*

Messrs. Bowen, Clark of T. Moffet, Sigler, Stafford, Trimble, Alley, Allison, Blair, Bryce, Champer, Chiles, Cutter, Devin, Dole, Earl, Eldridge, Flint, Hanna, Kenton, Kinney, Lane, Proffitt, Smydth of C., Thompson of A., Townsend, Williams, Wines and Mr. Speaker—29.

*Those who voted for Boon were,*

Messrs. Casey, Cathcart, Ewing of C., Hackett, Thompson of P., Baker, Boon, Bowles, Brown, Graham, Herriman, Johnson of M., Jones, Major, Milroy, Monroe, Owen, Perine and Sands—19.

*Those who voted for Stapp were,*

Messrs. Arion, Bell, Cole, Crawford, Kennedy, Morgan, Mount, Smith, of W., Stanford, Thompson of J., Vawter, Williams, Bright, Chapman, Cooper, Healey, Hendricks, Hubbard, Hunt, Jackson, Judah, Kilgore, Lee, Lewis, Mason, Matson, McCarty, Morgan, Morrow, Powell, Rose, Rush, Spann, Terrell and Willey—35.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant of P., Dobson, Dunning, Finch, Hargrove, Lowe, Moore, Tuley, Turman, Watt of U., Anderson, Arnold, Carr of L., Conaway, Johnson of Monroe, McCormick, McNary, Noel, Parker, Peaslee, Perritt, Puett, Reynolds, Riley and Stewart—27.

*Those who voted for Mr. Dewey were,*

Messrs. Armstrong, Baird of St. J., Beard of M., Clark of L., Ewing of A., Hoagland, Little, Mitchell, Riley, Watts of D., Albertson, Brenton, Bryant of M., Carr of J., Clymer, Cotton of P., Egbert, Field, Gregory, Helmer, Hurst, Marshall, McClure, Truelock, Wilson of H., Wilson of M. and Wyman—27.

*Those who voted for Mr. Dumont were,*

Messrs. Green, Smith of R., Walker, Cotton of S., Dumont, Eggleston and Glass—7.

Mr. Cogswell voted for Noah Noble.

The President of the Senate adjourned the Convention until 2 o'clock, P. M.

*2 o'clock P. M.*

Convention met pursuant to adjournment.

And both Houses in like manner proceeded to a fifth vote for United States Senator.

*Those who voted for Blake were,*

Messrs. Bowen, Clark of S., Moffat, Moore, Sigler, Stafford, Trimble, Allison, Blair, Bryce, Champer, Chiles, Cutter, Devin, Dole, Earl, Eldridge, Flint, Hanna, Kenton, Kinney, Lane, Proffitt, Smydth of C., Thompson, Townsend, Williams, Wines, and Mr. Speaker—29.

*Those who voted for Mr. Boon were,*

Messrs. Casey, Cathcart, Ewing of C., Hackett, Thompson of P., Baker, Boon, Bowles, Brown, Graham, Herriman, Johnson of Marion, Jones, Major, Milroy, Monroe, Owen, Perine, and Sands—19.

*Those who voted for Mr. Stapp were,*

Messrs. Arion, Bell, Cole, Crawford, Kennedy, Morgan, Mount, Smith of W., Stanford; Thompson of J., Vawter, Williams, Bright, Chapman, Cooper, Healey, Hendricks, Hubbard, Hunt, Jackson, Judah, Kilgore, Lee, Lewis, Mason, Matson, McCarty, Morgan, Morrow, Powell, Rose, Rush, Spann, Terrell, and Willey—35.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant of M., Dobson, Dunning, Finch, Hargrove, Lowe, Tuley, Turman, Watt of U., Anderson, Arnold, Carr of L., Conaway, Johnson of Monroe, McCormick, McNary, Nelson, Noel, Parker, Peaslee, Pettit, Puett, Reynolds, Riley, and Stewart—26.

*Those who voted for Mr. Dumont were,*

Messrs. Green, Smith of R., Walker, Cotton of S., Dumont, and Glass—7.

*Those who voted for Mr. Dewey were,*

Messrs. Armstrong, Baird of St. J., Beard of M., Clark of L., Ewing of A., Hoagland, Little, Mitchell, Riley, Watts of D., Albertson, Brenton, Bryant of M., Carr of J., Cotton of P., Egbert, Field, Gregory, Helmer, Hurst, Marshall, McClure, Truelock, Wilson of H., Wilson of M., and Wyman—27.

Messrs. Alley and Cogswell, voted for Noah Noble.

No person having received a majority of all the votes given, both Houses in like manner proceeded to vote the sixth time.

*And those who voted for Mr. Mr. Blake, were*

Messrs. Bowen, Clark of T., Moffat, Sigler, Stafford, Trimble, Allison, Blair, Rryce, Champer, Chiles, Cutter, Devin, Dole, Earl, El-

dridge, Flint, Hanna, Kenton, Kinney, Lane, Proffitt, Smydth of C., Thompson of A., Townsend, Williams, Wines, and Mr. Speaker—in all 28.

*Those who voted for Mr. Boon were,*

Messrs. Casey, Cathcart, Ewing of C., Hackett, Thompson of P., Baker, Boon, Bowles Brown, Graham, Herriman, Johnson of Marion, Jones, Major, Milroy, Monroe, Owen, Perine, and Sands—19.

*Those who voted for Mr. Stapp were,*

Messrs. Arion, Bell, Cole, Crawford, Kennedy, Morgan, Smith of W., Stanford, Thompson of J., Vawter, Williams, Bright, Chapman, Cooper, Healey, Hendricks, Hubbard, Hunt, Jackson, Judah, Kilgore, Lee, Lewis, Mason, Morgan, Morrow, Powell, Rose, Rush, Spann, Terrell, and Willey—32.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant of P., Dobson, Dunning, Finch, Hargrove, Lowe, Moore, Tuley, Turman, Watt of U., Anderson, Arnold, Carr of L., Conaway, Johnson of Monroe, McCarty, McCormick, McNary, Nelson, Noel, Parker, Peaslee, Pettit, Puett, Reynolds, Riley, and Steward—28

*Those who voted for Mr. Dewey were,*

Messrs. Armstrong, Baird of St. J., Beard of M., Clark of L., Ewing of A., Hoagland, Little, Riley, Watts of D., Albertson, Brenton, Bryant of M., Carr of J., Clymer, Cotton of P., Egbert, Field, Gregory, Helmer, Hurst, Marshall, McClure, Truelock, Wilson of H., Wilson of M., and Wyman—26.

*Those who voted for Mr. Dumont were,*

Messrs. Green, Smith of R., Walker, Cotton of S. Dumont, Eggleston, and Glass—7.

*Those who voted for Mr. Noble were,*

Messrs. Mount, Alley, Cogswell, and Watson—4.

No person having received a majority of all the votes given, both Houses in like manner proceeded to vote a seventh time, which resulted as follows, to wit :

*Those who voted for Thos. H. Blake were,*

Messrs. Bowen, Clark of J., Ewing of C., Moffat, Sigler, Stafford, Trimble, Walker, Allison, Blair, Bryce, Chiles, Cutter, Devin, Dole,

Earl, Eldridge, Flint, Hanna, Kenton, Kinney, Lane, Proffitt, Smydth, of C., Thompson of A., Townsend, Williams, Wines, and Mr. Speaker—30.

*Those who voted for Mr. Boon were,*

Messrs. Casey, Cathcart, Hackett, Thompson of P., Baker, Boon Bowles, Brown, Graham, Herriman, Johnson of M., Jones, Milroy Monroe, Owen, Perine, and Sands—17.

*Those who voted for Mr. Stapp were,*

Messrs. Arion, Bell, Cole, Morgan, Smith of W., Stanford, Thompson of J., Vawter, Williams of W., Bright, Chapman, Cooper, Healey, Hendricks, Hubbard, Hunt, Jackson, Judah, Kilgore, Lee, Lewis, Mason, Matson, Morgan, Morrow, Powell, Rose, Rush, Spann, Terrell, and Willey—31.

*Those who voted for Howard were,*

Messrs. Brady, Bryant of P., Crawford, Dobson, Dunning, Finch, Hargrove, Kennedy, Lowe, Moore, Tuley, Turman, Watt of U., Anderson Arnold, Carr of L., Conaway, Johnson of Monroe, Major, McCarty, McCormick, McNary, Nelson, Noel, Parker, Peaslee, Pettit, Puett, Reynolds, Riley, and Stewart—31.

*Those who voted for Dewey were,*

Messrs. Armstrong, Baird of St. J., Beard of M., Clark of L., Ewing of A., Hoagland, Little, Riley, Watts of D., Albertson Brenton, Bryant of M., Carr of J., Clymer, Cotton of P., Egbert, Field, Gregory, Helmer, Hurst, Marshall, McClure, Truelock, Wilson of H., Wilson of M. and Wyman—26.

*Those who voted for Dumont were,*

Messrs. Green, Smith of R., Cotton of S., Dumont, Eggleston, and Glass—6.

*Those who voted for Noble were,*

Messrs. Mount, Alley, and Cogswell—3.

No person having received a majority of all the votes given, both Houses in like manner proceeded the eighth time to vote, which resulted as follows, to-wit:

*Those who voted for Mr. Blake were,*

Messrs. Bowen, Clark of T., Ewing of C., Moffat, Sigler, Stafford, Allison, Blair, Bryce, Champer, Chiles, Cutter, Devin, Dole, Earl,

Eldridge, Flint, Gregory, Hanna, Helmer, Kinney, Lane, Powell, Proffitt, Smydth of C., Thompson of A., Townsend, Williams and Mr. Speaker—29.

*Those who voted for Mr. Boon were,*

Messrs. Casey, Cathcart, Hackett, Thompson of P., Baker, Boon, Bowles, Brown, Graham, Herriman, Johnson of Marion, Jones, Major, Milroy, Monroe, Owen, Perine, and Sands—18.

*Those who voted for Mr. Stapp were.*

Messrs. Arion, Smith of W., Stanford, Thompson of J., Vawter, Williams, Bright, Chapman, Cooper, Healey, Hendricks, Hubbard, Jackson, Judah, Kilgore, Lee, Lewis, Mason, Morrow, Rose, Rush, Spann, and Willey—23.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant of P., Crawford, Dobson, Dunning, Finch, Hargrove, Kennedy, Lowe, Moore, Tuley, Turman, Watt of U., Anderson, Arnold, Carr of J., Carr of L., Conaway, Johnson of Monroe, McCormac, McNary, Nelson, Noel, Parker, Peaslee, Pettit, Puett, Reynolds, Riley, and Stewart—30.

*Those who voted for Mr. Dewey were,*

Messrs. Armstrong, Clark of L., Hoagland, Riley, Watts of D., Albertson, Bryant of M., Dumont, Field, Hurst, Marshall, Truelock, Wilson of H., and Wyman—14.

*Those who voted for Mr. Dumont were,*

Messrs. Green, Smith of R., Cotton of S., and Glass—4.

*Those who voted for Mr. Noble were,*

Messrs. Baird of St. J., Beard of M., Bell, Cole, Ewing of A., Little, Morgan of D., Mount, Trimble, Walker, Alley, Brenton, Clymer, Cogswell, Cotton of P., Egbert, Eggleston, Hurst, Kenton, Matson, McCarty, McClure, Morgan, Terrell, Wilson of M., and Wines—26.

Mr. Arion withdrew the name of Gen. Stapp.

The President of the Senate then adjourned the convention until 10 o'clock to-morrow morning.

On motion, the House adjourned until 9 o'clock, to-morrow morning.

SATURDAY, DECEMBER 8, 1838.

The house met pursuant to adjournment.

The Speaker announced the appointment of the following Standing committees.

### JOINT COMMITTEES.

- 1st. *On Public Buildings*.—Messrs. Blair, Eldridge, Wilson of M., Earl, Helmer, Glass and Sands.
- 2nd. *On the Canal Fund*.—Messrs. Graham, Jackson, Alley, Puett, Pettit and Mason.
- 3rd. *On the State Library*.—Messrs. Owen, Allison, Bright, Bryant Cutter, Williams and Townsend.

### COMMITTEES OF THE HOUSE.

- 1st. *On Elections*.—Messrs. Lane, Kenton, Anderson, Baker, Johnson of Marion, Healey, Townsend, Perine and Major.
- 2nd. *On Ways and Means*.—Messrs. Hubbard, Wilson of H., Graham, Morrow, Wilson of M., Gregory, Brenton, Cogswell, Dole, Parker, Puett, Smydth, Stewart, Terrell, Judah and Williams.
- 3rd. *On the Judiciary*.—Messrs. Judah, Hurst, Marshall, Alley, Bright, Bryce, Chiles, Champer, Bryant, Kilgore, Kinney, Matson, McClure, Egbert, Peaslee, Pettit, Proffitt, Cooper, Brenton, Dumont and Cutter.
- 4th. *On Education*.—Messrs. Kinney, Owen, Bryce, Dole, Johnson of Monroe, Reynolds, Rose, Dumont, Peaslee, Noel, Jones, Clymer, Eggleston, Field and Allison.
- 5th. *On Military Affairs*.—Messrs. Gregory, Hanna, Spann, Lee, Milroy, Monroe, Nelson, Powell, Rush, Sands, Stewart, Kenton, Devin, McCarty and Lane.
- 6th. *On the Affairs of the State Prison*.—Messrs. Field, Albertson, Baker, Lewis, Sands, Reynolds and Bowles.
- 7th. *On the Affairs of the Town of Indianapolis*.—Messrs. Hanna, Hurst, Willey, Wilson of M., Wines, McCormick, Carr of L., Brown and Hendricks.
- 8th. *On Claims*.—Messrs. Boon, Herriman, Puett, Albertson, Hunt, Carr of L. Cotton of Perry, Conaway, Earl, Cotton of S., Truelock, Flint, Major, McNary and Rush.
- 9th. *On Roads*.—Messrs. Powell, Arnold, Bowles, Brown, Carr of J., Chapman, Devin, Earl, Glass, Morgan, Riley, Flint, Arnold, Anderson and Monroe.
- 10th. *On Canals and Internal Improvements*.—Messrs. Proffitt, Marshall, Owen, Blair, Thompson, Milroy, Terrell, Bryant, Hubbard, Peaslee, Jones, Lane, Noel, Egbert, McClure, Champer, Chiles, Conaway, Matson, Wilson of H., Eldridge, Herriman, Smydth, Cotton of S. and Wines.
- 11th. *On the State Bank*.—Messrs. Marshall, Thompson, Flint, Stew-

art, Morgan, Pettit, Cutter, Egbert, Helmer, Noel, Jackson, Johnson of M. and Lane.

12th. *On Agriculture*.—Messrs. Thompson, Williams, Carr of J., Clymer, Cotton of P., Devin, Eggleston, Glass, Healey, Lewis, Major and Riley.

13th. *On Corporations*.—Messrs. Kilgore, Bright, Allison, Chiles, Cooper, Cutter, Hendricks, Cotton of S., Parker, Rose, Willey, Cogswell and Monroe.

14th. *On Enrolled Bills*.—Messrs. Noel and Morgan.

The Speaker laid before the House the Annual Report of the Branch at Lafayette, of the State Bank of Indiana, also the Report of the Branch at Lawrenceburgh, and the Branch at Indianapolis; which were on motion of Mr. Thompson laid on the table; also, the Report of the Treasurer of State, on the operations and conditions of the three per cent. fund, which was, on motion of Mr. Judah, referred to the committee of Ways and Means, and five hundred copies ordered to be printed.

The Speaker also laid before the House, the Report of the State Librarian, which was read, and on motion of Mr. Graham, referred to the committee on the State Library, and two hundred copies ordered to be printed.

The Speaker also laid before the House, the Report of the Secretary of State, on the subject of the distribution of the laws, which was read, and on motion of Mr. Noel referred to the committee of Ways and Means, and five hundred copies ordered to be printed.

On motion of Mr. Graham,

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives instantler, for the purpose of electing a United States Senator, and that seats be prepared for them on the right of the Speaker's chair.

Mr. Gregory presented the petition of Enoch Farmer, for the relief of the heirs of Levi Hollingsworth, deceased, which was read, and referred to a select committee of Messrs. Gregory, Pettit and McCormick.

Mr. Bright presented the petition of Adam Troutman and others, on the subject of building a bridge across Big creek in Jefferson county, which was referred to the committee on roads, without reading.

On motion of Mr. Brenton,

*Resolved*, That a select committee be appointed to enquire into the expediency of providing by law for the repairs and preservation of the Cumberland road within the limits of this State; with leave to report by bill or otherwise;

Messrs. Brenton, Hanna, Jackson, Cutter and Cooper, were appointed said committee.

The Senate then came into the Hall of the House of Representatives, and as on yesterday both Houses proceeded to vote a ninth time for United States Senator, and the following was the result.

*Those who voted for Thomas H. Blake were,*

Messrs. Bowen, Clark of T., Ewing of C., Kennedy, Moffat, Riley, Sigler, Stafford, Stanford, Thompson of J., Allison, Blair, Bright, Bryce, Champer, Chiles, Cutter, Devin, Dole, Flint, Hanna, Hendricks, Herriman, Judah, Kilgore, Kinney, Lane, Marshall, Proffitt, Smydth, Spann, Townsend, Williams and Mr. Speaker—34.

*Those who voted for Mr. Boon were,*

Messrs. Casey, Cathcart, Hackett, Baker, Boon, Bowles, Brown, Graham, Jones, Monroc, Owen, Perine—12.

*Those who voted for Mr. Noble were,*

Messrs. Arion, Baird of St. J., Beard of M., Bell, Cole, Crawford, Ewing of A., Little, Morgan. Mount, Smith of W., Trimble, Vawter, Walker, Williams, Alley, Brenton, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Earl, Egbert, Eldridge, Healey, Hubbard, Hunt, Jackson, Kenton, Lewis, Mason, Matson, McCarty, McClure, Morgan, Morrow, Powell, Rush, Terrell, Thompson, Willey, Wilson of M. and Wines—44.

*Those who voted for T. A. Howard were,*

Messrs. Brady, Bryant of P., Dobson, Dunning, Finch, Hargrove, Lowe, Moore, Tuley, Turman, Watt of U., Anderson, Arnold, Carr of J., Carr of C., Conaway, Johnson of Marion, Johnson of Monroe, Lee, Major, McCormick, McNary, Milroy, Nelson, Noel, Parker, Peaslee, Pettit, Puett, Reynolds, Riley and Stewart—32.

*Those who voted for Mr. Dewey were,*

Messrs. Clark of L., Hoagland, Mitchell, Watts of D., Albertson, Bryant of M., Field, Gregory, Helmer, Hurst, Rose, Truelock, Wilson of H. and Wyman—14.

*Those who voted for Mr. Dumont were,*

Messrs. Armstrong, Green, Smith of R., Thompson of P., Cotton of S., Dumont, Eggleston, Glass and Sands—9.

No person having received a majority of all the votes given, both Houses in like manner, proceeded to a tenth vote, as follows, to wit:

*Those who voted for Thomas H. Blake were,*

Messrs. Brown, Clark of T., Dobson, Ewing of C., Moffat Riley, Sigler, Stafford, Thompson of J., Allison, Blair, Boon, Bright, Bryce, Champer, Chiles, Cutter, Devin, Dole, Flint, Graham, Gregory, Hanna,

Hendricks, Herriman, Hurst, Jones, Judah, Kilgore, Kinney, Lane, Marshall, Nelson, Owen, Proffitt, Smydth, Span, Townsend, Williams and Mr. Speaker—41.

*Those who voted for N. Noble were,*

Messrs. Arion, Baird of St. J., Beard of M., Bell, Casey, Cole, Crawford, Ewing of A., Little, Morgan Mount, Smith of W., Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Bryant of M., Chapman, Clymer, Cogswell, Cooper, Cotton of P., Earl, Egbert, Eggleston, Eldridge, Healey, Hubbard, Hunt, Jackson, Kenton, Lewis, Mason, Matson, McCarty, McClure, Morgan, Morrow, Powell, Terrell, Truelock, Thompson, Willey, Wilson of M., Wines Wyman—50.

*Those who voted for T. A. Howard were,*

Messrs. Brady, Bryant of P., Cathcart, Dunning, Finch, Hackett, Hargrove, Kennedy, Lowe, Moore, Tuley, Turman, Watt of U., Anderson, Arnold, Baker, Bowles, Brown, Carr of J., Carr of L., Conway, Johnson of Marion, Johnson of Monroe, Lee, Major, McCormick, McNary, Milroy, Monroe, Noel, Parker, Peaslee, Perine, Pettit, Puett, Reynolds, Riley and Stewart—38.

*Those who voted for Mr. Dewey were,*

Messrs. Armstrong, Clark of L., Hoagland, Mitchell, Thompson of P., Albertson, Cotton of S., Field, Helmer, Rose, Sands and Wilson of H.—12.

*Those who voted for Mr. Dumont were,*

Messrs. Green, Smith of R., Dumont and Glass—4.

No person having received a majority of all the votes, both Houses proceeded to an eleventh vote, which resulted as follows, to wit:

*Those who voted for Mr. Blake were,*

Messrs. Armstrong, Bowen, Cathcart, Clark of L., Clark of T., Dobson, Ewing of C., Green, Kennedy, Moffat, Moore, Riley, Sigler, Stafford, Stanford, Thompson of J., Thompson of P., Allison, Blair, Bryce, Champer, Chiles, Cotton of S., Cutter, Devin, Dole, Dumont, Flint, Graham, Gregory, Hanna, Helmer, Hendricks, Herriman, Hurst, Jones, Judah, Kilgore, Kinney, Lane, Marshall, Nelson, Owen, Proffitt, Rose, Sands, Smydth, Spann, Townsend, Williams and Mr. Speaker—52.

*Those who voted for N. Noble were,*

Messrs. Arion, Baird of St. J., Beard of M., Bell, Casey, Cole, Crawford, Ewing of A., Hoagland, Little, Morgan, Mount, Smith of R., Smith of W., Trimble, Vawter Walker, Watts of D., Williams, Alley, Brenton, Bryant of M., Chapman, Clymer, Cogswell Cooper, Cotton of P., Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Hubbard, Hunt, Jackson, Kenton, Lewis, Mason, Matson, McCarty, McClure, Morgan, Morrow, Powell, Rush, Terrell, Thompson, Truelock, Wiley, Wilson of M., Wyman and Wines—53.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant of P., Dunning, Finch, Hackett, Hargrove, Lowe, Tuley, Turman, Watt of U., Anderson, Arnold, Baker, Boon, Bowles, Brown, Carr of J., Carr of L., Conaway, Johnson of Marion, Johnson of Monroe, Lee, Major, McCormick, McNary, Milroy, Monroe, Noel, Parker, Peaslee, Perine, Pettit, Puett, Reynolds, Riley and Stewart—36.

*Those who voted for Mr. Dewey were,*

Messrs. Mitchell, Albertson, Field and Wilson of H.—4.

No person having received a majority of all the votes given, both Houses in like manner proceeded to vote a twelfth time, and the result was as follows, to wit:

*Those who voted for Thomas H. Blake were,*

Messrs. Armstrong, Bowen, Cathcart, Clark of L., Clark of T., Dobson, Dunning, Ewing of C., Green, Hargrove, Moffat, Mitchell, Moore, Riley, Sigler, Stafford, Stanford, Thompson of J., Thompson of P., Allison, Blair, Bright, Brown, Bryce, Champer, Chapman, Chiles, Cotton of S., Cutter, Devin, Dole, Dumont, Flint, Graham, Gregory, Hanna, Helmer, Hendricks, Herriman, Hurst, Jones, Judah, Kilgore, Kinney, Lane, Marshall, Milroy, Nelson, Owen, Proffitt, Riley, Rose, Smydth, Spann, Townsend, Williams and Mr. Speaker—57.

*Those who voted for Noah Noble were,*

Messrs. Arion, Baird of St. J., Beard of M., Bell, Casey, Cole, Crawford, Ewing of A., Hoagland, Little, Morgan, Mount, Smith of R., Smith of W., Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Bryant of M., Clymer, Cogswell, Cooper, Cotton of P., Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Hubbard, Hunt, Jackson, Kenton, Lee, Lewis, Mason, Matson, McCarty, McClure, Morgan, Morrow, Powell, Rush, Terrell, Thompson, Truelock, Wiley, Wilson of M., Wines, and Wyman—53.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant of R., Finch, Hackett, Kennedy, Lowe, Tu-  
ley, Turman, Watt of N., Anderson, Arnold, Baker, Boon, Bowles,  
Carr of J., Carr of L. Conaway, Johnson of Marion, Johnson of Mon-  
roe, Major, McCormick, McNary, Monroe, Noel, Parker, Peaslee, Pe-  
rine, Pettit, Puett, Reynolds, Sands, and Stewart—32.

*Those who voted for Mr. Dewey were,*

Messrs. Albertson, Field, and Wilson of H.—3.

No person having received a majority of all the votes given, both  
Houses in like manner proceeded to a thirteenth vote, which resulted  
as follows, to wit:

*Those who voted for Mr. Blake were,*

Messrs. Armstrong, Bowen, Cathcart, Clark of L., Clark of T.,  
Dobson, Dunning, Ewing of C., Hargrove, Kennedy, Moffat, Mitchell,  
Moore, Riley, Sigler, Stafford, Stanford, Thompson of P. Allison, Blair,  
Boon, Bright, Bryce, Champer, Chiles, Cotton of S. Cutter, Devin,  
Dole, Dumont, Flint, Graham, Gregory, Hanna, Helmer, Hendricks,  
Herriman, Hurst, Johnson of Monroe, Jones, Judah, Kilgore, Kinney,  
Lane, Marshall, Milroy, Nelson, Owen, Proffitt, Riley, Rose, Sands,  
Smydth, Spann, Townsend Williams and Mr. Speaker—57.

*Those who voted for N. Noble were,*

Messrs. Arion, Baird of St. J., Beard of M., Bell, Casey, Ewing of  
A., Little, Lowe, Morgan, Mount, Smith of R., Smith of W., Thomp-  
son of J., Trimble, Vawter, Walker, Watts of D., Williams, Alley,  
Brenton, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Earl, Eg-  
bert, Eggleston, Eldridge, Glass, Healey, Hubbard, Hunt, Jackson,  
Kenton, Lee, Lewis, Mason, Matson, McCarty, Morgan, Morrow,  
Powell, Rush, Terrell, Thompson, Truelock, Willey, Wilson of M.  
Wines and Wyman—51.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant, Cole, Crawford, Finch, Green, Hackett, Tu-  
ley, Turman, Watt of W., Anderson, Arnold, Baker, Bowles, Brown,  
Bryant of M., Carr of J., Carr of L., Conaway, Johnson of Marion  
Major, McClure, McCormick, McNary, Monroe, Noel, Parker, Peas-  
lee, Perine, Pettit, Puett, Reynolds, Stewart—33.

*Those who voted for Mr. Dewey were,*

Messrs. Hoagland, Albertson, Field and Wilson of H.—4.

No person having received a majority of all the votes given, both

Houses in like manner proceeded to vote a fourteenth time, when resulted as follows, to wit:

*Those who voted for Mr. Blake were,*

Messrs. Brown, Cathcart, Clark of L., Clark of T., Dobson, Dunning, Ewing of C., Hargrove, Moffat, Mitchell, Moore, Sigler, Stafford, Stanford, Allison, Blair, Boon, Bright, Bryce, Carr of J., Chamber, Chiles, Cotton of S., Cutter, Devin, Dole, Dumont, Flint, Graham, Gregory, Hanna, Helmer, Hendricks, Herriman, Hurst, Jones, Judah, Kilgore, Kinney, Lane, Marshall, Nelson, Owen, Proffitt, Rose, Sands, Smydth, Spann, Townsend, Williams, and Mr. Speaker—51.

*Those who voted for N. Noble were,*

Messrs. Arion, Baird of St. J., Beard of M., Bell Casey, Cole, Ewing of A., Little, Lowe, Morgan, Mount, Smith of W., Smith of R. Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Hubbard, Hunt, Jackson, Kenton, Lee, Lewis, Mason, Matson, McCarty, Morgan, Morrow, Powell, Rush, Terrell, Thompson, Truelock, Willey, Wilson of M. Wines, Wyman—52.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant of P., Crawford, Finch, Hackett, Kennedy, Tuley, Turman, Watt of W., Anderson, Arnold, Baker, Bowles, Brown, Bryant of M., Carr of L., Conaway, Johnson of Marion, Johnson of Monroe, Major, McClure, McCormick, McNary, Milroy, Monroe, Noel, Parker, Peaslee, Perine, Pettit, Puett, Reynolds, Riley, and Stewart.—34.

*Those who voted for Mr. Dewey were,*

Messrs. Armstrong, Green, Hoagland, Riley, Thompson of P. Albertson, Field, and Wilson of H.—8.

The President of the Senate then adjourned the convention until 2 o'clock P. M.

On motion, the House adjourned until 2 o'clock P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment.

The Speaker laid before the House the report of the Branch at Vincennes, and the Branch at Fort Wayne, of the State Bank of Indiana; which was, on motion of Mr. Proffitt, laid on the table.

On motion of Mr. Milroy,

The petition of sundry citizens of Carroll county, on the subject of increasing the capital stock of the State Bank, was taken up and referred to the Committee on the State Bank.

On motion of Mr. Bryce,

The petition of Hosea Dean and others, on the subject of a road from Crawfordsville to Covington, was taken up and referred to the committee on canals and internal improvements

On motion of Mr. Wilson of H., five hundred copies of the standing committees were ordered to be printed.

The Senate then came into the Hall of the House of Representatives, and proceeded, as in the forenoon, to vote the fifteenth time for United States Senator, and the following was the result.

*Those who voted for Col. Blake were,*

Messrs. Bowen, Casey, Cathcart, Clark of L., Clark of T., Ewing of C., Green, Kennedy, Moffat, Riley, Sigler, Stafford, Allison, Blair, Bright, Brown, Carr of J., Champer, Chiles, Cutter, Devin, Dole, Flint, Graham, Hanna, Hendricks, Herriman, Hurst, Jones, Judah, Kilgore, Kinney, Lane, Marshall, Owen, Proffitt, Rose, Smydth, Spann, Townsend, Williams, and Mr. Speaker—42.

*Those who voted for N. Noble were,*

Messrs. Arion, Baird of St. J., Beard of M., Bell, Cole, Ewing of A., Little, Morgan, Mount, Smith of R., Smith of W., Stanford, Thompson of J. Trimble, Vawter, Walker, Watts of D. Williams, Alley, Brenton, Chapman, Clymer, Cogswell, Cooper, Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Hubbard, Hunt, Jackson, Kenton, Lewis, Mason, Matson, McCarty, Morgan, Morrow, Powell, Rush, Terrell, Thompson, Willey, Wilson of M., Wines and Wyman—48.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant, Crawford, Dobson, Dunning, Finch, Hackett, Hargrove, Lowe, Moore, Tuley, Turman, Watt of W., Anderson, Arnold, Baker, Boon, Bowles, Bryant, Bryce, Carr of L., Conaway, Johnson of Marion, Johnson of Monroe, Lee, Major, McClure, McCormick, McNary, Milroy, Monroe, Nelson, Noel, Parker, Peaslee, Perine, Pettit, Puett, Reynolds, Riley, Stewart—41.

*Those who voted for Mr. Dewey were,*

Messrs. Armstrong, Hoagland, Mitchell, Thompson of P., Alley, Cotton of P., Cotton of S., Dumont, Field, Gregory, Helmer, Sands, Truelock, Wilson of H.—14.

No person having received a majority of all the votes, both Houses proceeded in like manner to a sixteenth vote, which resulted as follows, to wit:

*Those who voted for Mr. Blake were,*

Messrs. Bowen, Casey, Cathcart, Clark of T., Ewing of C., Moffat,

Riley, Sigler, Stafford, Allison, Blair, Bright, Champer, Chiles, Cutter, Devin, Dole, Flint, Graham, Gregory, Hanna, Hendricks, Herriman, Hurst, Jones, Kilgore, Kinney, Lane, Marshall, Owen, Proffitt, Rose, Sands, Smydth, Spann, Townsend, Williams, Mr. Speaker—38.

*Those who voted for N. Noble were,*

Messrs. Arion, Baird of St. J. Beard of M., Bell, Cole, Ewing of A., Little, Morgan, Mount, Smith of W., Stanford, Thompson of J., Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Chapman, Clymer, Cogswell, Cooper, Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Hubbard, Hunt, Jackson, Judah, Kenton, Lewis, Mason, Matson, McCarty, Morgan, Powell, Rush, Terrell, Thompson, Willey, Wilson of M., Wines and Wyman—47.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant of P., Crawford, Dobson, Dunning, Finch, Green, Hackett, Hargrove, Kennedy, Lowe, Moore, Tuley, Turman, Watt of W., Anderson, Arnold, Baker, Brown, Bryant of M., Bryce, Carr of J., Carr of L., Conaway, Johnson of Marion, Johnson of Monroe, Lee, Major, McClure, McCormick, McNary, Milroy, Monroe, Nelson, Noel, Parker, Peaslee, Perine, Pettit, Puett, Reynolds, Riley and Stewart—45.

*Those who voted for Mr. Dewey were,*

Messrs. Armstrong, Clark of L., Hoagland, Mitchell, Smith of R., Thompson of P., Albertson, Cotton of P., Cotton of S., Dumont, Field, Helmer, Morrow, Truelock and Wilson of H.—15.

No person having received a majority of all the votes, both Houses proceeded to a seventeenth vote in like manner, which resulted as follows, to wit:

*Those who voted for Mr. Blake were,*

Messrs. Bowen, Casey, Cathcart, Clark of L., Clark of T., Ewing of C., Kennedy, Moffat, Riley, Sigler, Smith of R., Stafford, Allison, Blair, Bright, Champer, Chiles, Cutter, Devin, Dole, Dumont, Field, Flint, Graham, Gregory, Hanna, Hendricks, Herriman, Hurst, Jones, Judah, Kilgore, Kinney, Lane, Marshall, Owen, Proffitt, Rose, Smydth, Spann, Townsend, Williams and Mr. Speaker—43.

*Those who voted for Noah Noble were,*

Messrs. Arion, Baird, Beard, Bell, Cole, Ewing of A., Little, Morgan, Mount, Smith of W., Stanford, Thompson of J., Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Chapman, Clymer, Cogswell, Cooper, Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Hubbard, Hunt, Jackson, Kenton, Lewis, Mason, Matson, McCarty,

Morgan, Morrow, Powell, Rush, Terrell, Thompson, Willey, Wilson of M., Wines and Wyman—47.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant, Crawford, Dobson, Dunning, Finch, Green, Hackett, Hargrove, Lowe, Moore, Tuley, Turman, Watt of W., Anderson, Arnold, Baker Boon, Bowles, Brown, Bryant, Bryce, Carr of J., Carr of L., Conaway, Johnson of Marion, Johnson of Monroe, Lee, Major, McClure, McCormick, McNary, Milroy, Monroe, Nelson, Noel, Parker, Peaslee, Perine, Pettit, Puett, Reynolds, Riley and Stewart—44.

*Those who voted for Mr. Dewey were,*

Messrs. Armstrong, Hoagland, Mitchell, Thompson of P., Albertson, Cotton of P., Cotton of S., Helmer, Sands, Truelock and Wilson of H—11.

No person having received a majority of all the votes given, both Houses in like manner proceeded to vote for the eighteenth time, and the following was the result, to wit:

*Those who voted for Col. Blake were,*

Messrs. Armstrong, Bowen, Casey, Cathcart, Clark of L., Clark of T., Ewing of A., Ewing of C., Green, Moffat, Moore, Riley, Sigler, Stafford, Thompson of P., Vawter. Allison, Blair, Boon, Bright, Brown, Bryce, Carr of J., Champer, Chiles, Cotton of S., Cutter, Devin, Dole, Dumont, Field, Flint, Graham, Gregory, Hanna, Helmer, Hendricks, Herriman, Hurst, Jones, Judah, Kilgore, Kinney, Lane, Marshall, McClure, Noel, Owen, Proffitt, Rose, Sands, Smydth, Spann, Terrell, Townsend, Williams and Mr. Speaker—57.

*Those who voted for N. Noble were,*

Messrs. Arion, Baird, Beard, Bell, Cole, Little, Morgan, Smith of R., Smith of W., Stanford, Thompson of J., Trimble, Walker, Watts of D., Williams, Alley, Brenton, Chapman, Clymer, Cogswell, Cooper, Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Hubbard, Hunt, Jackson, Kenton, Lewis, Mason, Matson, McCarty, Morgan, Morrow, Powell, Rush, Thompson, Truelock, Willey, Wilson of M., Wines and Wyman—45.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant, Crawford, Dobson, Dunning, Finch, Hackett, Hargrove, Kennedy, Lowe, Tuley, Turman, Watt of W., Anderson, Arnold, Baker, Bryant, Carr of L., Johnson of Marion, Johnson of

Monroe, Lee, Major, McCormick, McNary, Monroe, Nelson, Parker, Peaslee, Perine, Pettit, Puett, Reynolds, Riley and Stewart—34.

*Those who voted for Mr. Dewey were,*

Messrs. Hoagland, Mitchell, Albertson, Cotton of P., and Wilson of H.—5.

Messrs. Bowles, Conaway, and Milroy, voted for Gov. Hendricks.

No person having received a majority of all the votes, both Houses proceeded to a nineteenth vote, which resulted as follows, to-wit:

*Those who voted for Mr. Blake were,*

Messrs. Armstrong, Bowen, Casey, Cathcart, Clark of L., Clark of T., Dunning, Ewing of A., Ewing of C., Green, Moffat, Mitchell, Moore, Riley, Sigler, Stafford, Thompson of P., Tuley, Turman, Vawter, Allison, Blair, Boon, Bright, Brown, Bryce, Carr of J., Champer, Chiles, Clymer, Cotton of S., Cutter, Devin, Dole, Dumont, Earl, Field, Flint, Graham, Gregory, Hanna, Helmer, Hendricks, Hurst, Johnson of Monroe, Jones, Judah, Kenton, Kilgore, Kinney, Lane, Marshall, McClure, Milroy, Noel, Owen, Proffitt, Rose, Sands, Smydth, Spann, Terrell, Townsend, Wilson of M., Williams, and Mr. Speaker—68.

*Those who voted for Mr. Noble were,*

Messrs. Arion, Baird of St. J., Beard of M., Bell, Cole, Little, Lowe, Morgan, Mount, Smith of R., Smith of W., Stanford, Thompson of J., Trimble, Walker, Watts of D., Williams, Alley, Brenton, Chapman, Cogswell, Cooper, Cotton of P., Egbert, Eggleston, Eldridge, Glass, Healey, Hubbard, Hunt, Jackson, Lewis, Mason, Matson, McCarty, Morgan, Morrow, Powell, Rush, Thompson, Truelock, Willey, Wines, and Wyman—44.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant, Crawford, Dobson, Finch, Hackett, Hargrove, Watt of U., Anderson, Arnold, Baker, Carr of L., Herriman, Johnson of Marion, Lee, Major, McCormick, McNary, Monroe, Nelson, Parker, Peaslee, Perine, Pettit, Puett, Reynolds, Riley, and Stewart—29.

Mr. Dewey received the votes of Mr. Albertson and Mr. Wilson of H.—2.

Gov. Hendricks received the votes of Mr. Bowles and Conaway—2.

The President of the Senate then adjourned the convention until 10 o'clock A. M. on Tuesday 11th instant.

On motion, the House adjourned until 9 o'clock on Monday morning.

MONDAY DECEMBER 10, 1838.

The House met pursuant to adjournment.

The Speaker laid before the House the annual report of the Branch at South Bend, and the Branch at New Albany of the State Bank of Indiana; also the report of the State Bank at Indianapolis; which were,

On motion of Mr. Judah, laid on the table.

The Speaker also laid before the House a communication from Solon Robinson, clerk of Lake county, on the subject of locating the seat of Justice of said county.

Which was read, and,

On motion of Mr. McClure, laid on the table.

The Speaker also laid before the House the report of the State Bank on the subject of the Sinking Fund;

Which was read, and,

On motion of Mr. Judah, referred to the committee of ways and means, and two hundred copies ordered to be printed.

The Speaker also laid before the House the annual report of the Treasurer of State; which was,

On motion of Mr. Judah, referred to the committee of ways and means, and two thousand copies ordered to be printed.

Mr. Brenton presented the petition of John Wilson and others, on the subject of vacating a state road commencing at the National road and running north, on the county line between the counties of Marion and Hendricks;

Which was referred to a select committee of Messrs. Brenton, Williams, Champer, Hanna, and Johnson of Monroe.

Mr. Hanna presented the petition of John Foster and others, for the repeal of a law therein referred to, relative to vacating a street in the town of Indianapolis;

Which was read and referred to the committee on the affairs of the town of Indianapolis.

Mr. Eldridge presented the petition of John B. Dillon and others, on the subject of the Michigan road;

Which was read and referred to a select committee consisting of Messrs. Eldridge, Wilson of M., Egbert, Peaslee, McClure, Hanna, and Glass.

Mr. Herriman presented the petition of Wesley Park and others, on the subject of a state road therein named;

Which was referred to the committee on roads, without reading.

Mr. Egbert presented the petition of Aaron Miller and others, on the subject of a road therein named;

Which was read and referred to the committee on roads.

Mr. Matson presented the petition of D. Price and others, on the

subject of a turnpike road from Brownsville to the state line, in a direction to Cincinnati;

Which was referred to a select committee of *Messrs. Matson, McCarty, and Eggleston*, without reading.

*Mr. Johnson* of Monroe presented the petition of the widow and heirs of *Henry Patterson*, deceased, for relief;

Which was read and referred to a select committee of *Messrs. Johnson* of Monroe, *Champer*, and *Allison*.

*Mr. Hunt* presented the petition of *John Wilson* and others, on the subject of a state road therein named;

Which was referred to a select committee of *Messrs. Hunt, Jackson*, and *Lewis*, without reading.

*Mr. Graham*, from a select committee, made the following report:

**MR. SPEAKER—**

The committee to which was referred the petition of *John B. Kelley* and other citizens of *Warrick*, relative to the erection of a mill dam across *Cypress creek*, have had the same under consideration, and have directed me to report by bill:

No. 13, in relation to the erection of a mill dam across *Cypress creek*;

Which was read and passed to a second reading on to-morrow.

On motion of *Mr. Owen*,

*Resolved*, That the committee on the judiciary be instructed to inquire whether a general banking law, or bank restraining law, the same as, or similar to, that which is now in force in the state of *New-York*, can be passed by this legislature, without a violation, direct or indirect, of the constitution of the state of *Indiana*; and if it can, then to inquire into the expediency of the same; with leave to report by bill or otherwise.

On motion of *Mr. Smydth*,

*Resolved*, That the committee on the judiciary be instructed to inquire into the constitutionality of the third and fourth section of "an act to suppress professional gambling," approved February 17th, 1838; and also to inquire into the expediency of repealing said sections.

On motion of *Mr. Pettit*,

*Resolved*, That the committee on ways and means be instructed to inquire into the propriety and expediency of providing by law, for ascertaining the amount of imports into, and exports from; and also the amount of transportation from place to place within this state; and that said committee have leave to report on this resolution as early as convenient, by bill or otherwise.

On motion of *Mr. McNary*,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the laws in force on the subject of executions, as to exempt therefrom, in favor of every householder, a horse, plough, &c., provided such householder be a farmer, and if a

mechanic, his working tools, in addition to the property now exempt, by law, provided that the whole amount so exempted, shall not exceed the sum of one hundred and twenty-five dollars.

On motion of Mr. Champer,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so changing the law relative to doing county business, in the several counties in this State, in which it is now done by Justices of the Peace, that one Justice from each township in the same counties shall be chosen by the qualified voters thereof, for the purpose of doing such business, at the annual April elections—and also of allowing such Justices a reasonable compensation for such services, and report by bill or otherwise.

On motion of Mr. Chapman,

*Resolved*, That a select committee be appointed to inquire if any and if any, what amendments are necessary to the Estray law, to report by bill or otherwise.

Messrs. Chapman, Lee, Reynolds, Healey and Earl were appointed such committee.

On motion of Mr. Kilgore,

*Resolved*, That the public printer be requested to print for the use of the members of this House eight hundred copies of the Journals, and five hundred copies of the Documentary Journals, and it shall be the duty of the Secretary to prefix a full and complete index to each; for which he shall be allowed the sum of seventy-five dollars.

The Speaker laid before the House the petition of Charles M. Russell, Edward Smith, and William Lindsey, praying the Legislature to pass an act to authorize dramatic exhibitions within the limits of the town of Indianapolis.

Which was read and referred to a select committee of Messrs. Proffitt, Hanna, Pettit, Kilgore, and Hurst.

On motion of Mr. Terrell,

*Resolved*, That the Judiciary committee be instructed to inquire if some change is not necessary in the 16th section of the act regulating the jurisdiction and duties of Justices of the Peace, in order to make said officers responsible for the neglect of duties therein named.

On motion of Mr. Smydth,

*Resolved*, That the committee on Canals and Internal Improvements, be directed to inquire into the expediency of authorizing the acting Commissioner on the Cross Cut canal and Wabash river, to construct a tow path from the feeder dam on Eel river, Clay county, so far up said river as the pool of said dam may extend, at such time as public interest may require the same, and that said committee have leave to report by bill or otherwise.

On motion of Mr. Hubbard,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so changing the present law, in regard to the collection of debts, as to enable any person suing on notes or other instruments, drawing more than six per cent. interest, so that such instrument or obligation may draw the same interest after judgment is rendered thereon.

On motion of Mr. Judah,

*Resolved*, That the committee of the State Library inquire and report to the House, whether any, and if any, what measures are necessary to afford to the members access to the State Library on each day, from 8 o'clock A. M., to 11 o'clock P. M.

On motion of Mr. Milroy,

*Resolved*, That the committee on Internal Improvement, be instructed to inquire into the expediency of authorizing the Acting Commissioners on the several public works, to provide medical aid and necessary care and attendance in sickness, for such laborers on the public works, as may need the same, during the sickly season of the year; assessing such per centum on the monthly pay of laborers, as will to some extent re-imburse the expenditure necessary to carry into effect the object.

On motion of Mr. Hanna,

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of equalizing the salaries of the Judges of the Supreme and Circuit courts.

On motion of Mr. Cooper,

*Resolved*, That the Committee on roads be instructed to inquire into the expediency, of having the road law published in pamphlet form, for the use of the supervisors, throughout the State; to report by bill or otherwise.

On motion of Mr. Eldridge,

*Resolved*, That the committee on military affairs be instructed to inquire into the expediency of establishing a more uniform military system in the State of Indiana, than now exists; with leave to report by bill or otherwise.

On motion of Mr. Field,

*Resolved*, That the committee on public buildings be instructed to inquire into the expediency of providing by law, for the construction of fire-proof buildings for the better security of the records of the State; with leave to report by bill or otherwise.

On motion of Mr. Kinney,

*Resolved*, That the committee on education, be instructed to inquire into the expediency of so amending the laws on the subject of common schools, as to place the money set apart for the support of these institutions under the control of the State.

On motion of Mr. Dole, said resolution was amended as follows:

That the committee on education be instructed to inquire into the expediency of revising generally, the school law, so that it may be more readily understood, and work more equal justice; with leave to report by bill or otherwise.

Mr. Truelock offered for adoption, the following resolution:

*Resolved*, That a select committee be appointed to inquire on complaint made, into the abuse of power by the board and engineer having charge of the public works, if any, with power to send for persons and papers, who will report their proceedings to this House.

Which was, on motion of Mr. Boon, laid on the table.

Mr. Kilgore offered for adoption the following resolution,  
*Resolved*, That this House will, on this day, at the hour of 2 o'clock, P. M., the Senate concurring, proceed to elect a President of the State Bank.

Which was, on motion of Mr. Hanna, laid on the table.

On motion of Mr. Marshall,

*Resolved*, That the judiciary committee inquire into the expediency of providing by law, that in all actions on contracts made with any firm, no proof of the persons composing said firm shall be required, unless put in issue by a plea sworn to. 2nd, That in all contracts made by any person by wrong name, suit may be brought by his right name.

Mr. Judah introduced,

Bill No. 14, concerning corporate privileges, which was read and passed to a second reading to-morrow.

Mr. Carr of L. introduced bill No. 15, to amend the road law, so far as the counties of Owen, Green and Lawrence are concerned;

Which was read and passed to a 2nd reading on to-morrow.

Mr. Mason introduced bill No. 16, to amend the Internal Improvement act;

Which was read and, on motion of Mr. Marshall, laid on the table, and 200 copies ordered to be printed.

Mr. Dumont introduced bill No. 17, for the relief of the heirs of William Thomas and Robert Huddleton;

Which was read and passed to a 2nd reading on to-morrow.

Mr. Lane, introduced bill No. 18, to incorporate the Governor's Guards of the town of Evansville;

Which was read the 1st and 2nd times, the rules having been dispensed with;

And on motion of Mr. Smydth, referred to the committee on military affairs with the following instructions:

And that said committee be instructed to report a general bill to incorporate uniform volunteer companies.

Mr. Dumont introduced bill No. 19, for the relief of William Ross of Dearborn county, and before any action had thereon the House adjourned until 2 o'clock P. M.

*2 o'clock P. M.*

The House met pursuant to adjournment,

And resumed the consideration of bill No. 19;

Which was read a 2nd time, the rules being suspended,

And on motion of Mr. Judah, referred to the Judiciary committee.

On leave being granted, Mr. Bryce, moved the adoption of the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the Justice's act as to authorize the Justices of the peace throughout the State, to issue executions on Judgments rendered by them, to the proper officers of any county within the State.

Mr. Boon, moved to amend said resolution by instructing the said committee to report a bill; and,

On motion of Mr. McClure said resolution and amendment were laid on the table.

Mr. Peaslee introduced bill No. 20, to provide for the appointment of a prosecuting attorney in each county, and an Attorney General.

Which was read twice, the rules being dispensed with, and referred to the committee on the Judiciary.

Mr. Noel from the committee on enrolled bills made the following report:

Mr. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the enrolled, with the engrossed bill of the House;

No. 2, entitled "an act to authorize a special session of the Probate court of Knox county," and find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry it to the Senate for the signature of the President.

On leave, Mr. Bryce made the following report:

Mr. SPEAKER—

The committee to whom was referred the petition of Isaac Sutton and others, praying the establishment of a State road mentioned in said petition have had the same under consideration, and directed me to report the following bill:

No. 21, to locate a State road therein named;

Which bill was read twice, the rules being dispensed with, and referred to the committee on roads.

Mr. Owen introduced bill No. 22, to change the mode of doing county business in the county of Posey;

Which was read three times, the rules being suspended, and passed.

Ordered, That the clerk carry it to the Senate and ask their concurrence therein.

On leave being granted Mr. Proffitt made the following report.

Mr. SPEAKER—

The select committee to which was referred the petition of Charles W. Russell and others, on the subject of Theatrical representations, has instructed me to report a bill:

No 23 to license dramatic representations within the limits of the town of Indianapolis;

Which was read twice, the rules being suspended.

Mr. Perine then moved to lay said bill on the table, and the vote being taken, said motion was negatived.

Mr. Cooper moved to indefinitely postpone said bill.

And the ayes and noes being requested thereon by Messrs. Hubbard and Terrell.

*Those who voted in the affirmative were,*

Messrs. Albertson, Allison, Anderson, Arnold, Baker, Blair, Boon, Brenton, Bright, Brown, Bryant, Bryce, Carr of Jackson, Carr of Lawrence, Champer, Chapman, Clymer, Cooper, Conaway, Cotton of Perry, Cotton of Switzerland, Devin, Dole, Dumont, Earl, Egbert, Eggleston, Eldridge, Field, Glass, Hanna, Healey, Helmer, Hendricks, Hubbard, Hunt, Jackson, Johnson of Marion, Johnson of Monroe, Judah, Kinney, Lewis, Major, Marshall, Mason, Matson, McCarty, McClure, McNary, Morgan, Morrow, Noel, Perine, Powell, Reynolds, Riley, Rose, Terrell, Thompson, Townsend, Truelock, Willey, Williams, Wilson of Miami and Wyman—65.

*Those who voted in the negative were,*

Messrs. Bowles, Chiles, Cogswell, Flint, Graham, Gregory, Herriman, Hurst, Jones, Kenton, Kilgore, Lane, Lee, McCormick, Milroy, Monroe, Nelson, Owen, Parker, Pettit, Proffitt, Puett, Rush, Sands, Smydth, Spann, Stewart, Wilson of Harrison, Wines and Mr. Speaker—30.

On leave granted Mr. Brown made the following report.

**MR. SPEAKER—**

The committee to whom was referred the petition of sundry citizens of Sullivan county praying the passage of an act to authorize the sales of certain school land in said county; have had the same under consideration and directed me to report a bill No. 24, to sell certain school land in Sullivan county.

Which bill was read a first time and passed to a second reading on to-morrow.

Mr. Owen introduced bill No. 25, to regulate the time of holding Probate courts in the county of Posey;

Which was read and passed to a second reading on to-morrow.

On motion the House adjourned until to-morrow morning 9 o'clock.

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**TUESDAY, DECEMBER 11th, 1838.**

The House met pursuant to adjournment.

Mr. Herriman presented the petition of Levi Witman and others, praying an act to be passed for a State road, beginning at the feeder dam in the north part of Noble county, and thence running north un-

til it crosses, the north branch of the Elkhart, thence north easterly to Levi Wright's, thence to the Union mills,

Which was referred to the committee on roads, without reading.

Mr. Bryce presented the petition of John W. Martin and others, on the subject of a McAdamized road from Crawfordsville to Covington,

Which was referred to the committee on canals and internal improvement, without reading.

Mr. Cooper presented the petition of G. L. Simpson and others, praying the passage of an act to print the laws of this State in the German language,

Which was referred to a select committee of Messrs. Cooper, Healey Willey and Lewis.

Mr. Bowles presented the petition of John Pinnick and others praying for a state road from Spark's Ferry on White river by way of Orleans to intersect a State road at French Lick,

Which was referred to the committee on roads, without reading.

Mr. Owen made the following report:

MR. SPEAKER—

The committee on the State Library in reply to a resolution of the House on that subject,

Report, that hereafter the State Library will be kept open, for the use of members and others entitled to admission to the same from half past eight o'clock A. M., until half past nine o'clock P. M., and shall so continue during the Session.

On motion of Mr. Hubbard,

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives instanter, for the purpose of proceeding with the election of United States Senator, and that seats be prepared on the right of the Speaker's chair.

On motion of Mr. Lewis,

*Resolved*, That the committee of Ways and Means inquire into the propriety of amending the revenue law, so that the value of all taxable property shall be given in and assessed for a given day, and that the Board doing county business in each county shall appoint one or more persons of experience and qualification to make said assessment, and that a new assessment of real estate shall not be required oftener than once in three years, except that all such lands as have not been heretofore taxable, shall be assessed in any intermediate year.

On motion of Mr. Eldridge,

*Resolved*, That the committee on the State Bank inquire into the expediency of so amending the act entitled "an act to provide for distributing so much of the Surplus Revenue of the United States as the State of Indiana may be entitled to receive by virtue of an act of Congress approved 23 January 1836, that the stockholders of the addi-

tional branches of the State Bank therein required to be located, be entitled to the benefits of the 90th section of the act entitled, "an act establishing a State Bank," approved Jan. 28, 1834.

Mr. McNary offered for adoption the following resolution:

*Resolved*, That the committee on roads be instructed to inquire into the expediency of so amending the road law, as to exempt supervisors from performing military duty for the term of two years in lieu of the allowance made to them under the present law, for their services, and also to allow supervisors to notify the persons required to perform labor in the several districts by deputy, and to allow said deputy one day's work for every day so spent.

Which was not adopted.

On Motion of Mr. Kinney,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency and constitutionality of the 4th Section of an act entitled, "an act in furtherance of an act to provide a fund to encourage common schools." Approved Feb. 2d, 1832 Approved Feb. 7th 1830; and that they have leave to report by bill or otherwise.

On Motion of Mr. Thompson,

*Resolved*, That the committee on Canals and Internal Improvement, be instructed to inquire into the expediency of constructing a tow-path from the St. Joseph Feeder Dam, along the pool of said Dam to Cedarville.

On motion of Mr. Chiles,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the law relative to the duties of clerks, so as to make it unlawful for deputy clerks to practise as Attorneys in the court of the county wherein they act as clerk.

On motion of Mr. Noel,

*Resolved*, That the Board of Internal Improvement be requested to report to this House the whole amount and number of contracts made on the public works—the location of each contract, in each of the divisions of the public works, and the amount and proportion of work done thereon.

On motion of Mr. Bowles,

*Resolved*, That the Board of Internal Improvement be respectfully requested to lay before this House, a statement in detail of the particular items, of the amount of money by them expended on the public works since their last report, together with the number of persons in their employ, their salaries, offices or stations, for which they were employed.

On motion of Mr. Milroy,

*Resolved*; That the Judiciary committee be instructed to inquire into the expediency of amending the laws regulating the writ of *Capias ad respondendum*, so that debtors shall not be confined in prison for debt, unless upon strong presumption of fraud, which fraud shall be established by the oath of the party in whose behalf the writ issues, or such other provision as will guard the person of the unfortunate but

honest debtor from imprisonment; with leave to report by bill or otherwise.

On motion of Mr. Matson,

*Resolved*, That the Judiciary committee be instructed to inquire whether any, and if any, what measures are necessary to compel the Lawrenceburgh and Indianapolis Rail Road Company to proceed in the construction of that work.

On motion of Mr. Lec,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of so amending the revenue law now in force as to require the tax payers in each county to meet the collector of their county at some point in each of their respective townships, to be named by said collector, for the purpose of paying their tax, with leave to report by bill or otherwise.

On motion of Mr. Dumont,

*Resolved*, That the committee on education be instructed to report a bill appointing agents in each county, for loaning and managing the surplus revenue for one year from the first day of March, 1839.

On motion of Mr. Dole.

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of requiring a survey and estimate of a side-cut canal with sufficient lockage, and a tow-path sufficiently wide for a wagon road above high water mark, to be made during the year 1839, connecting the Wabash and Erie canal from Lafayette to Terre-Haute, with the Wabash river opposite the town of Clinton in Vermillion county, and a report of said survey and estimate be made to the next General Assembly of this state; with leave to report by bill or otherwise.

On motion of Mr. Pettit,

*Resolved*, That the committee on ways and means be instructed to report to this House the entire amount of the indebtedness of the state of Indiana for any and all purposes, and the separate amount for each purpose to the 1st day of December, 1838, and the amount of interest thereon, and how and when the same has been, or is to be paid.

On motion of Mr. Kilgore,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law that it shall not be necessary in any case to revive judgments by *scire facias* in consequence of no execution being issued thereon for more than one year and one day; and to report by bill or otherwise.

On motion of Mr. Cooper,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the law regulating witness's fees in the supreme and circuit courts, as to allow witnesses a certain per cent. for mileage for going to and returning from courts; to report by bill or otherwise.

On motion of Mr. Milroy,

Mr. Bryce was added to the select committee appointed to inquire

into the propriety of amending the execution law, so that property sold shall bring two-thirds of its appraised value.

Mr. Peaslee introduced

Bill No. 26, to authorize an election of a justice of the peace in Pleasant View township, Shelby county;

Which was read twice, the rules being suspended, and ordered to a third reading on to-morrow.

The House then went into the orders of the day.

Bill No. 10, for the relief of Aaron Rawlings was taken up, read a second time, and passed to a third reading on to-morrow.

The Senate then came into the hall of the House of Representatives, and again, in like manner proceeded to the election of United States Senator, and the following was the result of the twentieth vote:

*Those who voted for Mr. Blake were,*

Messrs. Bowen, Bryant, Clarke of T., Dobson, Ewing of A., Ewing of C., Green, Moffat, Sigler, Stafford, Turman, Allison, Blair, Bright, Champer, Chiles, Cutter, Devin, Dole, Flint, Hanna, Hurst, Judah, Kilgore, Kinney, Lane, Marshall, Noel, Proffitt, Smydth, Spann Townsend, Williams, and Mr. Speaker—34.

*Those who voted for Mr. Noble were,*

Messrs. Arion, Baird of St. J., Beard of M., Bell, Cole, Crawford, Little, Morgan, Mount, Smith of W., Stanford, Thompson of J., Thompson of P., Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Hendricks, Hubbard, Hunt, Jackson, Kenton, Lewis, Mason, Matson, McCarty, McClure, Morgan, Morrow, Powell, Rose, Rush, Terrell, Thompson, Willey, Wilson of M., Wines, and Wyman—52.

*Those who voted for Mr. Howard were,*

Messrs. Hargrove, Kennedy, Carr of L., Lee, Parker, and Pettit—6.

*Those who voted for Mr. Dewey were,*

Messrs. Armstrong, Clark of L., Hoagland, Mitchell, Riley, Smith of R., Albertson, Bryant, Cotton of S., Dumont, Field, Gregory, Helmer, Truelock, and Wilson of H.—15.

*Those who voted for Mr. Boon were,*

Messrs. Brady, Casey, Cathcart, Dunning, Finch, Hackett, Lowe, Moore, Tuley, Watt of U., Anderson, Arnold, Baker, Bowles, Boon, Brown, Bryce, Carr of J., Cenaway, Graham, Herriman, Johnson of Marion, Johnson of Monroe, Jones, Major, McCormick, Mc-

Nary, Milroy, Monroe, Nelson, Owen, Peaslee, Perine, Puett, Reynolds, Riley, Sands, and Stewart—38.

No person having received a majority of all the votes given, both Houses proceeded in like manner to a twenty-first vote, which resulted as follows:

*Those who voted for Mr. Blake were,*

Messrs. Bowen, Clark of T., Dobson, Dunning, Ewing of A., Ewing of C., Green, Moffat, Moore, Sigler, Stafford, Allison, Blair, Bright, Champer, Chiles, Cotton of S., Cutter, Devin, Dole, Flint, Hanna, Hurst, Jones, Kilgore, Kinney, Lane, Proffitt, Smydth, Spann, Townsend, Williams, and Speaker—33.

*Those who voted for Mr. Noble were,*

Messrs. Arion, Baird, Beard, Bell, Cole, Crawford, Little, Morgan, Mount, Smith of R., Smith of W., Stanford, Thompson of J., Thompson of P., Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Bryant, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Helmer, Hendricks, Hubbard, Hunt, Jackson, Judah, Kenton, Lewis, Marshall, Mason, Matson, McCarty, McClure, Morgan, Morrow, Powell, Rose, Rush, Terrell, Thompson, Truelock, Willey, Wilson of M., Wines, and Wyman—58.

*Those who voted for Mr. Boon were,*

Messrs. Casey, Graham, and Owen—3.

*Those who voted for Mr. Dewey were,*

Messrs. Armstrong, Clark of L., Hoagland, Mitchell, Riley, Albertson Carr of J., Dumont, Field, Gregory, and Wilson of H.—11.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Bryant, Cathcart, Finch, Hackett, Hargrove, Kennedy Lowe, Tuley, Turman, Watt of U., Anderson, Arnold, Baker, Boon, Bowles, Brown, Bryce, Carr of L., Conaway, Herriman, Johnson of Marion, Johnson of Monroe, Lee, Major, McCormick, McNary, Milroy, Monroe, Nelson, Noel, Parker, Peaslee, Perine, Pettit, Puett, Reynolds, Riley, Sands, and Stewart—40.

Neither person having received a majority of all the votes given, both Houses proceeded in a similar manner, to a twenty-second vote, of which the following is the result, viz:

*Those who voted for Mr. Blake were,*

Messrs. Bowen, Clark of T., Dobson, Dunning, Ewing of A., Ewing of C., Green, Kennedy, Moffat, Moore, Sigler, Stafford, Allison, Blair, Boon, Bright, Brown, Bryce, Champer, Chiles, Cutter, Devin, Dole, Dumont, Flint, Hanna, Herriman, Hurst, Jones, Kilgore, Kinney, Lane, McNary, Noel, Proffitt, Smydth, Spann, Townsend, Williams, and Mr. Speaker—40.

*Those who voted for Mr. Noble were,*

Messrs. Arion, Baird, Beard, Bell, Cole, Crawford, Little, Lowe, Morgan, Mount, Smith of R., Smith of W., Stanford, Thompson of P., Thompson of J., Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Bryant, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Helmer, Hendricks, Hubbard, Hunt, Jackson, Judah, Kenton, Lewis, Marshall, Mason, Matson, McCarty, McClure, Morgan, Morrow, Powell, Rose, Rush, Terrell, Thompson, Truelock, Willey, Wilson of M., Wines, and Wyman—60.

*Mr. Howard received the votes of*

Messrs. Brady, Bryant, Cathcart, Finch, Hackett, Hargrove, Tuley, Turman, Watt of U., Anderson, Arnold, Baker, Bowles, Carr of L., Conaway, Johnson of Marion, Johnson of Monroe, Lee, Major, McCormick, Milroy, Monroe, Nelson, Parker, Perine, Puett, Reynolds, Sands, Stewart—29.

*Mr. Dewey received the votes of*

Messrs. Armstrong, Hoagland, Mitchell, Riley, Albertson, Carr of J., Gregory, and Wilson of H.—8.

*Mr. Boon received the votes of*

Messrs. Casey, Graham, and Owen—3.

*Mr. Judah received the votes of*

Messrs. Peaslee, Pettit, and Riley—3.

Mr. R. W. Thompson received the vote of Mr. Clark of L.

Mr. Dumont received the vote of Mr. Field.]

No person having received a majority of all the votes, both houses proceeded in like manner to a twenty-third vote, which resulted as follows, viz:

*Those who voted for Mr. Blake were,*

Messrs. Bowen, Dobson, Dunning, Ewing of C., Green, Hargrove, Kennedy, Moffat, Moore, Sigler, Stafford, Allison, Arnold, Blair, Boone, Bright, Brown, Bryce, Champer, Chiles, Cutter, Devin, Dole, Dumont, Flint, Hanna, Herriman, Hurst, Johnson of Monroe, Jones, Kilgore, Kinney, Lane, McCormack, Milroy, Nelson, Noel, Proffitt, Reynolds, Riley, Sands, Smydth, Spann, Townsend, Williams and Mr. Speaker—46.

*Those who voted for Mr. Noble were,*

Messrs. Arion, Baird, Beard, Bell, Cole, Crawford, Ewing of A., Little, Morgan, Mount, Smith of R., Smith of W., Stanford, Thompson of P., Thompson of J., Trimble, Turman, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Bryant, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Helmer, Hendricks, Hubbard, Hunt, Jackson, Judah, Kenton, Lewis, Marshall, Mason, Matson, McCarty, McClure, Morgan, Morrow, Powell, Rose, Rush, Terrell, Thompson, Truelock, Willey, Wilson of M., Wines, Wymau—61.

*Mr. Howard received the votes of*

Messrs. Brady, Bryant, Cathcart, Finch, Hackett, Lowe, Tuley Watt of U., Anderson, Baker, Bowles, Carr of L., Conaway, Johnson, of Marion, Lee, Major, McNary, Perine, Pettit, Puett, Stewart—21.

*Mr. Dewey received the votes of*

Messrs. Armstrong, Clark of L., Hoagland, Mitchell, Riley, Albertson, Carr of J., Gregory, Parker, Wilson of H.—10.

*Mr. Boon received the votes of*

Messrs. Casey, Graham, Monroe, and Owen.—4.

Mr. Judah received the vote of Mr. Peaslee, and Mr. D. G. Mitchell, the vote of Mr. Clark of T.

Neither person having received a majority of all the votes given, both Houses then proceeded to a twenty-fourth vote, which resulted as follows:

*Those who voted for Mr. Blake were*

Messrs. Bowen, Bryant, Clark of T., Dobson, Dunning, Ewing of C., Green, Hargrove, Kennedy, Moffat, Moore, Sigler, Stafford,

Tully, Allison, Arnold, Blair, Boon, Bright, Bryce, Carr of J., Champer, Chiles, Cutter, Devin, Dole, Dumont, Flint, Hanna, Hendricks, Herriman, Hurst, Johnson of Monroe, Jones, Kilgore, Kinney, Lane, McCormick, McNary, Milroy, Nelson, Noel, Parker, Pettit, Proffitt, Riley, Sands, Smydth, Spann, Townsend, Williams, Mr. Speaker—52.

*Those who voted for Mr. Noble were,*

Messrs. Arion, Baird, Beard, Bell, Cole, Crawford, Ewing of A., Little, Morgan, Mount, Smith of R., Smith of W., Stanford, Thompson of J., Thompson of P., Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Bryant, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Helmer, Hubbard, Hunt, Jackson, Judah, Kenton, Lewis, Marshall, Mason, Matson, M'Carty, M'Clure, Morgan, Morrow, Powell, Rose, Rush, Terrell, Thompson, Truelock, Willey, Wilson, of M., Wines and Wyman—59.

*Those who voted for Mr. Howard were,*

Messrs. Brady, Cathcart, Finch, Hackett, Lowe, Turman, Watt of U., Anderson, Baker, Bowles, Brown, Carr of L., Conaway, Johnson of Marion, Lee, Major, Monroe, Peaslee, Perine, Puett, Reynolds, and Stewart—22

*Mr. Dewey received the votes of*

Messrs. Armstrong, Clark of L., Hoagland, Mitchell, Riley, Albertson, Gregory, Wilson of H.—8.

*Mr. Boon received the votes of*

Messrs. Casey, Graham, and Owen—3

*Mr. Dumont received the vote of Mr. Field.*

Neither person having received a majority of all the votes given both Houses then proceeded in like manner to a twenty-fifth vote which resulted in the following manner, viz.:

*Those who voted for Mr. Blake were,*

Messrs. Bowen, Brady, Bryant, Cathcart, Clark of L., Clark of T., Dobson, Dunning, Ewing of C., Finch, Green, Hargrove, Kennedy, Moffat, Moore, Sigler, Stafford, Tuley, Allison, Arnold, Blair, Boon, Bright, Brown, Bryce, Carr of J., Champer, Chiles, Cotton of S., Cutter, Devin, Dole, Dumont, Flint, Hanna, Hendricks, Herriman, Hurst, Johnson of Marion, Johnson of Monroe, Jones, Kilgore, Kinney, Lane, M'Cormick, Milroy, Nelson, Noel, Parker, Pettit, Proffitt,

Reynolds, Riley, Sands, Smydth, Spann Townsend, Williams, and Mr Speaker—

*Those who voted for Mr. Noble were*

Messrs. Arion, Baird, Beard, Bell, Cole, Crawford, Ewing of A., Little, Lowe, Morgan, Mount, Smith of R., Smith of W., Stanford, Thompson of J., Thompson of P., Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton Bryant, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Helmer, Hubbard, Hunt, Jackson, Judah, Kenton, Lewis, Marshall, Mason, Matson, M'Carty, M'Clure, Morgan, Morrow, Powell, Rose, Rush, Terrell, Thompson, Truelock, Willey, Wilson of M., Wines, and Wyman—59.

*Those who voted for Mr. Howard were*

Messrs. Hackett, Turman, Watt of U., Anderson, Baker, Bowles, Carr of L., Conaway, Lee, Major, M'Nary, Peaslee, Perine, Puett, and Stewart—15

*Mr. Dewey received the votes of*

Messrs. Armstrong, Hoagland, Mitchell, Riley, Albertson, Gregory, and Wilson of H.—7.

*Mr. Boone received the votes of*

Messrs. Casey, Graham, Owen, and Monroe—4.

*Mr. Dumont received the vote of Mr. Field.*

The President of the Senate then adjourned the Convention, to meet again at 2 o'clock, P. M.

On motion the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

House met pursuant to adjournment.

Mr. Owen introduced bill No. 27, to incorporate the town of Mount Vernon,

Which was read twice, the rules being suspended, and referred to the committee on corporations.

On motion, Mr. Milroy and Mr. Parker were added to the committee on agriculture.

The Senate then came into the hall of the House of Representatives, and, as before, proceeded to the election of United States' Senator;

And on the twenty-sixth vote,

*Mr. Blake received the votes of*

Messrs. Bowen, Brady, Bryant, Cathcart, Clark of L., Clark of A. Dobson, Dunning, Ewing of C., Green, Kennedy, Moffat, Moore, Sigler, Stafford, Tuley, Turman, Allison, Arnold, Blair, Boon, Bright, Brown, Bryce, Carr of J., Champer, Chiles, Cotton of S., Cutter, Devin, Dole, Dumont, Flint, Gregory, Hanna, Hendricks, Herri- man, Hurst, Johnson of Monroe, Jones, Kilgore, Kinney, Lane, McCormick, McNary, Milroy, Nelson, Noel, Proffitt, Smydth, Spann, Towns- end, Williams, Mr. Speaker—54.

*Mr. Noble received the votes of*

Messrs. Arion, Baird, Beard, Bell, Cole, Crawford, Little, Lowe, Morgan, Mount, Smith of R., Smith of W., Stanford, Thompson of J., Thompson of P., Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Bryant, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Helmer, Hub- bard, Hunt, Jackson, Judah, Kenton, Lewis, Mason, Matson, McCar- ty, McClure, Morgan, Morrow, Powell, Rose, Rush, Terrell, Thomp- son, Truelock, Willey, Wilson of H., Wilson of M., Wines, Wyman —58.

*Mr. Howard received the votes of*

Messrs. Finch, Hackett, Hargrove, Watt of U., Anderson, Baker, Bowles, Carr of L., Conaway, Johnson of Marion, Lee Major, Monroe, Parker, Peaslee, Perine, Pettit, Puett, Reynolds, Riley, Stewart—21.

*Mr. Dewey received the votes of*

Messrs. Armstrong, Ewing of A. Hoagland, Mitchell, Riley, Albert- son, Field, Sands—8.

*Mr. Boon received the votes of Messrs. Casey, Graham, and Owen—3.*

No person having received a majority of all the votes, both Houses proceeded in like manner to a twenty-seventh vote, which resulted as follows:—

*Colonel Blake received the votes of*

Messrs. Bowen, Brady, Bryant, Cathcart, Clark of L., Clark of T., Dobson, Dunning, Ewing of C., Finch, Green, Kennedy, Moffat, Moore, Riley, Sigler, Stafford, Albertson, Allison, Arnold, Blair, Boon, Bright, Brown, Bryce, Carr of J., Carr of L., Champer, Chiles, Cutter, Devin, Dole, Dumont, Flint, Gregory, Hanna, Herriman, Hurst, Johnson of Marion, Johnson of Monroe, Jones, Kilgore, Kin- ney, Lane, McCormick, McNary, Milroy, Nelson, Noel, Parker, Pet-

tit, Proffitt, Riley, Sands, Smydth, Spann, Townsend, Williams, and Mr. Speaker—59.

*Mr. Noble received the votes of*

Messrs. Arion, Baird, Beard, Bell, Cole, Crawford, Little, Lowe, Mitchell, Morgan, Mount, Smith of R., Smith of W., Stanford, Thompson of P., Thompson of J., Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Bryant, Chapmar, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Helmer, Hendricks, Hubbard, Hunt, Jackson, Judah, Kenton, Lewis, Marshall, Mason, Matson, McCarty, McClure, Morgan, Morrow, Powell, Rose, Rush, Terrell, Thompson, Truelock, Wiley, Wilson of H., Wilson of M., Wines, and Wyman—62.

*Mr. Howard received the votes of*

Messrs. Hackett, Hargrove, Tuley, Turman, Watt of U., Anderson, Baker, Bowles, Conaway, Lee, Major, Monroe, Peaslee, Perine, Puett, Reynolds, Stewart—17.

*Mr. Boone received the votes of*

Messrs. Casey, Graham, and Owen—3.

*Hr. Dewey received the votes of*

Messrs. Armstrong, Ewing of A., and Field—3.

*Mr. J. H. Thompson received the vote of Mr. Hoagland—1.*

No person having received a majority of all the votes, both Houses proceeded, in like manner, to a twenty-eighth vote, when the result was as follows, to wit :—

*Mr. Blake received the votes of*

Messrs. Bowen, Brady, Bryant, Cathcart, Clark of L., Clark of T., Dobson, Dunning, Ewing of C., Finch, Green, Kennedy, Moffatt, Moore, Riley, Sigler, Stafford, Tuley, Albertson, Allison, Arnold, Blair, Boon, Bright, Brown, Bryce, Carr of J., Carr of L., Champer, Chiles, Cutter, Devin, Dole, Dumont, Flint, Gregory, Hanna, Herriman, Hurst, Johnson of Marion, Johnson of Monroe, Jones, Kilgore, Kinney, Lane, McCormick, McNary, Milroy, Nelson, Noel, Parker, Pettit Proffitt, Riley, Sands, Smydth, Spann, Townsend, Williams, and Mr. Speaker—60.

*Mr. Noble received the votes of*

Messrs. Arion, Baird, Beard, Bell, Cole, Crawford, Hoagland, Little, Lowe, Mitchell, Morgan, Mount, Smith of R., Smith of W., Stanford, Thompson of J., Thompson of P., Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Bryant, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Helmer, Hendricks, Hubbard, Hunt, Jackson, Judah, Kenton, Lewis, Marshall, Mason, Matson, McCarty, McClure, Morgan, Morrow, Powell, Rose, Rush, Terrell, Thompson, Truelock, Wiley, Wilson of H., Wilson of M., Wines, and Wyman—63.

*Mr. Howard received the votes of*

Messrs. Hackett, Hargrove, Turman, Watt of U., Anderson, Baker, Bowles, Conaway, Lee, Major, Monroe, Peaslee, Puett, Reynolds and Stewart—15.

*Mr. Dewey received the votes of*

Messrs. Armstrong, Ewing of A., and Field—3.

*Mr. Boon received the votes of*

Messrs. Casey, Graham, and Owen—3.

*Mr. Tipton received the vote of Mr. Perine—1.*

The President of the Senate then adjourned the convention until to-morrow morning at 10 o'clock.

On motion, the House adjourned until to-morrow morning at nine o'clock.

WEDNESDAY, DECEMBER 12 1838.

The House met pursuant to adjournment.

Mr. Preston presented the petition of David A. Adams and others, praying an act to be passed to authorize the Hendricks Circuit Court to hold a special session, for the trial of John McClane, the supposed murderer of Abijah Garrison. Which was referred to a Select Committee of Messrs. Brenton, Johnson of Marion, and Lewis.

Mr. Lewis presented the petition of W. G. Anderson and others, praying an act to be passed to print the laws of this state in the Ger.

man language. Which was referred to the Select committee heretofore appointed on that subject.

Mr. Mitson presented the petition of Enoch McCarty and others, on the subject of a State or McAdamized road, leading from Rushville, in Rush county, to Saurel, in Franklin co., and thence to Brookville.

Which was laid on the table till to-morrow.

Mr. Hurst presented the petition of L. B. Hall and others, praying an act of incorporation for a Lottery Office, in the town of Jefferson-lill. Which was referred to a Select committee of Messrs. Hurst, Field and Stewart.

On motion of Mr. Eldridge,

The petition heretofore offered by him on the subject of building a bridge across the canal at Logansport, was taken up and referred to the committee on Canals and Internal Improvements.

Mr. Major presented the petition of Arthur Compton and others, praying an act to be passed to legalize the sale of certain town lots in in Frankfort, Clinton County. Which was referred to a Select Committee of Messrs. Major, Milroy and Bryce.

Mr. Terrel presented the petition of Ransom, Perry, Foreman, and others, praying the repeal of a special act authorizing the county business of Bartholomew county, to be done by Justices of the peace, and the passage of a law to have the county business of said county done by commissioners. Which was referred to the Select committee of Messrs. Terrell, Lee, and Reynolds, without reading.

Mr. Eldridge presented the petition of David Foster and others, on the subject of the Michigan Road. Which was referred to the Select committee heretofore appointed on that subject, without reading.

Mr. Major presented the petition of John Blake and others, on the subject of legalizing the sale of town lots in Frankford; which was referred to the same select committee appointed on a like subject.

Mr. Judah asked leave to introduce a joint resolution relative to postponing the election of United States' Senator until the first Monday in January next, and the yeas and nays being requested thereon by Mr. Judah and Mr. Proffitt,

*Those who voted in the affirmative were*

Messrs. Brenton, Bryant, Bryce, Chapman, Chiles, Clymer, Cogs, well, Cooper, Conaway, Cotton of P., Cotton of S., Dumont, Egbert, Eggleston, Gregory, Herriman, Hubbard, Hunt, Jackson, Johnson of Monroe, Judah, Kenton, Lee, Lewis, Major, Marshall, Mason, Matson, McCarty, McClure, Milroy, Morgan, Nelson, Parker, Pettit, Powell, Riley, Rush, Stewart, Terrell, Thompson, Truelock, Willey, Wyman—45.

*Those who voted in the negative were*

Messrs. Albertson, Allison, Anderson, Arnold, Baker, Blair, Boon, Bowles, Bright, Brown, Carr of J., Carr of L., Champer, Cutter, Devin, Dole, Earl, Eldridge, Field, Flint, Glass, Graham, Hanna, Healey, Helmer, Hendricks, Hurst, Johnson of Marion, Jones, Kilgore, Kinney, Lane, McCormack, McNary, Monroe, Morrow, Noel, Owen, Peaslee, Perine, Proffitt, Puett, Reynolds, Rose, Sands, Smyth, Spann, Townsend, Williams, Wilson of H., Wilson of M., Wines, and Mr. Speaker—52.

So leave was not granted for the introduction of said resolution.

Mr. Eldrige, from a select committee for that purpose appointed, made the following report:

**MR. SPEAKER—**

The committee to which was referred bill No. 7, entitled an "act declaring a misprint, have had the same under consideration, and have made one amendment thereto, in which they ask the concurrence of the House,

Which amendment is, to strike out and insert the following bill No. 7, declaring a misprint in a certain law therein named.

The House concurred in said amendment, and the bill was engrossed to be read a third time on to-morrow.

On motion of Mr. Jones,

*Resolved*, That a select committee be appointed with instructions to inquire into the expediency of providing for the construction of a turnpike road from Rockport in Spencer county, via Gentrysville, Jasper, in Dubois county, to Washington in Daviess county, with leave to report by bill or otherwise.

Mr. Bryce asked leave to introduce a joint resolution No. 28, to postpone the time for electing a United States' Senator, and the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Anderson, Arnold, Baker, Boon, Bowles, Bright, Brown, Bryce, Chapman, Conaway, Eggleston, Glass, Graham, Gregory, Hendricks, Herriman, Johnson of Marion, Lee, McCormick, Milroy, Monroe, Owen, Parker, Pettit, Puett, Reynolds, Riley, Sands, Stewart, and Wyman—30.

*Those who voted in the negative were*

Messrs. Albertson, Allison, Blair, Brenton, Bryant, Carr of J., Carr of L., Champer, Chiles, Clymer, Cogswell, Cooper, Cotton of P., Cotton S., Cutter, Devin, Dole, Earl, Egbert, Eldridge, Field, Flint, Hanna, Healey, Helmer, Hubbard, Hunt, Hurst, Jackson, Johnson of

Monroe, Jones, Kenton, Kilgore, Kinney, Lane, Lewis, Major, Marshall, Mason, Matson, McCarty, McClure, McNary, Morgan, Morrow, Nelson, Noel, Peaslee, Perine, Powell, Proffitt, Rose, Rush, Smydth, Spann, Terrell, Thompson, Townsend, Truelock, Willey, Williams, Wilson of H., Wilson of M., Wines and Mr. Speaker—66.

So leave was not granted.

On motion of Mr. Anderson,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of making it the duty of the Board doing county business in each county in this state, to cause to be published a list of the delinquent tax payers, together with the amount of their delinquencies, in a newspaper, provided they shall have one published in it, if not, that manuscript lists of delinquents be posted in at least three public places, with leave to report by bill or otherwise.

On motion of Mr. Rose,

*Resolved*, That the committee on roads be instructed to inquire into the expediency of increasing the size of road districts in this state, and of fixing the compensation of supervisors at such rate as to insure their voluntary services; and that the 38th section of an act entitled an act relating to public roads and highways, approved July 27, 1838, be repealed, and report by bill or otherwise.

On leave being granted, Mr. Milroy, from a select committee, made the following report:

#### MR. SPEAKER—

The select committee appointed to inquire into the expediency of modifying the system of internal improvements, to whom was referred the "bill relative to the board of internal improvement," have directed me to report a substitute for said bill, slightly differing from the original, which is herewith submitted.

Bill No. 4, relative to the board of internal improvements.

The question being taken, the House concurred in the amendment of the committee.

On motion of Mr. Smydth, said bill was laid on the table.

Mr. Noel from the committee on enrolled bills made the following report:

#### MR. SPEAKER—

The joint committee on enrolled bills report, that they have this day presented to his Excellency the Governor, for his signature and approval, bill No. 2, entitled "an act to authorize a special session of the Probate court of Knox county."

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House, No. 22, entitled

“An act to change the mode of doing county business in Posey county;” and for other purposes.

On motion of Mr. Kinney,

*Resolved*, That the Senate be invited to attend instantler in the hall of the House of Representatives for the purpose of electing a United States Senator, and that seats be prepared for them on the right of the Speaker's chair.

On motion of Mr. Pettit,

*Resolved*, That the judiciary committee be instructed to inquire into the propriety of publishing, in pamphlet form, all the penal laws of this state, and a sufficient number thereof to supply each white male citizen of this state, over the age of twenty one years, with a copy thereof, free of costs, with leave to report by bill or otherwise.

Mr. Cooper offered for adoption the following resolution:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of repealing an act passed February 2d, 1832, prohibiting the circulation of bank notes of a less denomination than five dollars, with leave to report by bill or otherwise.

On motion of Mr. Bryce, said resolution was laid on the table.

On motion of Mr. Clymer,

*Resolved*, That the committee on military affairs be instructed to inquire into the expediency of amending the law regulating the militia of the state, so as further to provide for the encouragement of volunteer companies; with leave to report by bill or otherwise.

On leave granted,

Mr. Perine introduced bill No. 29, to vacate a part of the town of Milford, in Kosciusko county,

Which was read twice, the rules being suspended and ordered to be engrossed and read a third time on to-morrow.

On motion of Mr. Mason,

*Resolved*, That the committee which was appointed to inquire into the cause of the delay in the distribution of the laws, be instructed to report to this House, if any of the laws intended to be in force in this state, have been omitted to be printed, and if so, what they are, and the cause of such omission.

The Senate then came into the hall of the House of Representatives, and as before, proceeded to vote a twenty-ninth time for United States Senator;

And the following was the result:

*Those who voted for Mr. Blake were,*

Messrs. Bowen, Bryant, Cathcart, Clark of T., Dobson, Dunning, Ewing of C., Finch, Green, Hargrove, Kennedy, Moffat, Mitchell, Moore, Riley, Sigler, Stafford, Tuley, Albertson, Allison, Blair, Boon, Bright, Brown, Bryce, Carr of J., Carr of L., Champer, Chiles, Cutter, Devin, Dole, Flint, Hanna, Herriman, Hurst, Johnson of Marion, Johnson of Monroe, Jones, Kilgore, Kinney, Lane, McCormick, McNary, Milroy, Nelson, Noel, Owen, Parker, Pettit, Proffitt, Puett, Riley, Sands, Smydth, Spann, Townsend, Williams, and Mr. Speaker—59.

*Those who voted for Mr. Noble were,*

Messrs. Arion, Baird, Beard, Bell, Clark of L., Cole, Crawford, Little, Morgan, Mount, Smith of R., Smith of W., Stanford, Thompson of P., Trimble, Turman, Walker, Vawter, Watts of D., Williams, Thompson of J., Brenton, Bryant, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Helmer, Hendricks, Hubbard, Hunt, Jackson, Judah, Kenton, Lewis, Marshall, Mason, Matson, McCarty, McClure, Morgan, Morrow, Powell, Rush, Terrell, Thompson, Truelock, Willey, Wilson of H., Wilson of M., Wines, and Wyman—60.

*Mr. Dewey received the votes of*

Messrs. Armstrong, Hoagland, Field, Gregory, and Rose—5.

*Those who voted for Mr. Howard were*

Messrs. Brady, Hackett, Lowe, Watt of U., Anderson, Arnold, Baker, Conaway, Lee, Major, Monroe, Peaslee, Perine, Reynolds, Stewart—15.

*Mr. Boon received the votes of*

Messrs. Casey, Bowles, and Graham—3.

No person having received a majority of all the votes, both Houses proceeded, in like manner, to a thirtieth vote, which resulted as follows, to wit :—

*Mr. Blake received the vote of*

Messrs. Bowen, Brady, Bryant, Cathcart, Clark of T., Dobson, Dunning, Ewing of C., Finch, Green, Hargrove, Moffat, Mitchell, Moore, Sigler, Stafford, Tuley, Albertson, Allison, Arnold, Blair, Boon, Brown, Bryce, Carr of J., Carr of L., Champer, Chiles, Cutter, Devin, Dole, Field, Flint, Hanna, Herriman, Hurst, Johnson of Marion, Johnson of Monroe, Jones, Kilgore, Kinney, Lane, McCormick,

McNary, Milroy, Monroe, Nelson, Noel, Owen, Parker, Pettit, Proffitt, Puett, Reynolds, Riley, Sands, Smydth, Townsend, Williams, and Mr. Speaker—60.

*Those who voted for Mr. Noble were*

Messrs. Arion, Baird, Beard, Bell, Clark of L., Cole, Crawford, Hoagland, Little, Lowe, Morgan, Mount, Smith of R., Smith of W., Stanford, Thompson of J., Thompson of P., Trimble, Turman, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Bryant, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Earl, Egbert, Eggleston, Eldridge, Glass, Helmer, Healey, Hendricks, Hubbard, Hunt, Jackson, Judah, Kenton, Lewis, Marshall, Mason, Matson, McCarty, McClure, Morgan, Morrow, Powell, Rush, Terrell, Thompson, Truelock, Willey, Wilson of H., Wilson of M., Wines, and Wyman—63.

*Those who voted for Mr. Howard were*

Messrs. Hackett, Watts of U., Anderson, Baker, Conaway, Major, Perine, Stewart—8.

*Mr. Dewey received the votes of*

Messrs. Armstrong, Riley Gregory, Rose,—4.

*Mr. Boone received the votes of*

Messrs. Casey, Bowles, and Graham—3.

*Mr. Stapp received the votes of*

Messrs. Kennedy, Bright, Lee, Peaslee, and Spann—5.

No person having received a majority of all the votes given, both Houses proceeded in like manner to a thirty-first vote, which resulted as follows:

Mr. Blake received the votes of Messrs. Bowen, Brady, Bryant, Cathcart, Clark of T., Dobson, Dunning, Ewing of C., Finch, Green, Hargrove, Kennedy, Moffat, Mitchell, Moore, Riley, Sig'ar, Stafford, Tuley, Albertson, Allison, Arnold, Blair, Boone, Bright, Brown, Bryce, Carr of J., Carr of L., Childs, Cutter, Devin, Dole, Field, Flint, Gregory, Hanna, Herriman, Hurst, Johnson of Marion, Johnson of Monroe, Jones, Kilgore, Kinney, Lane, McNary, Milroy, Monroe, Nelson, Noel, Owen, Parker, Pettit, Proffitt, Puett, McCormick, Reynolds, Riley, Sands, Smydth, Spann, Williams, and Mr. Speaker,—64.

*Those who voted for Mr. Noble were*

Messrs. Arion Baird, Beard, Bell, Clark of L., Cole, Crawford, Little, Lowe, Morgan, Mount, Smith of R., Smith of W., Stanford, Thompson of J., Thompson of P., Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Bryant, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Cotton

of S., Earl, Egbert, Eggleston, Eldridge, Glass, Healey, Helmer, Hendricks, Hubbard, Hunt, Jackson, Judah, Kenton, Lewis, Marshall, Mason, Matson, McCarly, McClure, Morgan, Morrow, Powell, Rush, Terrell, Thompson, Truelock, Willey, Wilson of H., Wilson of M., Wines, Wyman,—61.

*Mr. Howard received the votes of*

Messrs. Hackett, Watt of U., Anderson, Baker, Conaway, Lee, Major, Perine, Stewart,—9.

*Mr. Boon received the votes of*

Messrs. Casey, Bowles, Graham—3.

*Mr. Dewey received the votes of*

Messrs. Armstrong, Hoagland, Turman—3.

*Mr. Stapp received the votes of*

Messrs. Peaslee and Rose—2

No person having received a majority of all the votes given, both Houses proceeded in like manner to a thirty-second vote, which resulted as follows, to wit:

*Col. Blake received the votes of*

Messrs. Bowen, Brady, Bryant, Cathcart, Clark of L., Clark of T., Dobson, Dunning, Ewing of C., Green, Hargrove, Kennedy, Muffat, Mitchell, Moore, Riley, Sigler, Stafford, Stanford, Tuley, Albertson, Allison, Blair, Boon, Bright, Brown, Bryce, Carr of L., Carr of J., Champer, Chapinan, Chiles, Cooper, Cotton of S., Cutter, Devin, Dole, Earl, Field, Flint, Glass, Gregory, Hanna, Helmer, Healey, Hendricks, Hurst, Johnson of Monroe, Jones, Kilgore, Kinney, Lane, Marshall, McCormick, McNary, Miley, Noel, Owen, Proffitt, Puett, Riley, Sands, Smydth, Spann, Townsend, Williams, and Mr. Speaker—66.

*Governor Noble received the votes of*

Messrs. Arion, Baird, Beard, Bell, Cole, Crawford, Little, Lowe, Morgan, Mount, Smith of R., Smith of W., Thompson of S., Thompson of P., Trimble, Vawter, Walker, Watts of D., Williams, Alley, Brenton, Clymer, Cogswell, Cotton of P., Egbert, Eggleston, Eldridge, Hubbard, Hunt, Jackson, Judah, Kenton, Mason, Matson, McCarly, McClure, Morgan, Morrow, Powell, Rush, Terrell, Thompson, Truelock, Willey, Wilson of H., Wilson of M., Wines, and Wyman—48.

*General Howard received the votes of*

Messrs. Finch, Hackett, Turman, Watt of U., Anderson, Arnold,

Baker, Conaway, Herriman, Johnson of Marion, Lee, Major, Nelson, Parker, Reynolds, Stewart—16.

*Judge Dewey received the votes of*

*Messrs. Armstrong and Hoagland—2.*

*Mr. Boon received the votes of*

*Messrs. Casey, Bowles, Graham, Monroe and Perine—5.*

*Gen. Stapp received the votes of*

*Messrs. Lewis, Peaslee and Rose—3.*

*Albert S. White received the votes of*

*Messrs. Bryant of M. and Pettit—2.*

The President of the Senate then adjourned the Convention until 2 o'clock, P. M.

On motion, the House adjourned until 2 o'clock, P. M.

*Two o'clock, P. M.*

House met pursuant to adjournment.

The Senate again came into the Hall of the House, and in like manner as before proceeded to vote for the thirty-third time for United States Senator, which resulted as follows, to-wit:

*Those who voted for T. H. Blake were,*

Messrs. Bowen, Brady, Bryant, Cathcart, Clark of L., Dobson, Dunning, Ewing of C., Green, Hargrove, Moffat, Mitchell, Moore, Riley, Sigler, Stafford, Stanford, Allison, Blair, Boon, Bright, Carr of J., Carr of L., Champer, Chiles, Cooper, Cotton of S., Cutter, Devin, Dole, Field, Flint, Graham, Hanna, Helmer, Healey, Hendricks, Herriman, Hurst, Johnson of Marion, Johnson of Monroe, Jones, Kilgore, Kinney, Lane, Marshall, Mason, McCormick, McNary, Milroy, Noel, Owen, Proffitt, Riley, Sands, Smydth, Townsend, Williams, Wines, Mr. Speaker—60.

*Those who voted for Mr. Noble were,*

Messrs. Baird, Bell, Little, Morgan, Mount, Walker, Watts of D., Williams, Alley, Brenton, Cogswell, Egbert, Eggleston, Glass, Hubbard, Hunt, Judah, Matson, McCarty, Morgan, Rush, Wilson of M., Wyman—23.

*Those who voted for Mr. White were,*

Messrs. Beard, Clark of T., Cole, Crawford, Kennedy, Smith of W. Thompson of J., Vawter, Bryant, Bryce, Clyner, Earl, Eldridge, Kenton, McClure, Morrow, Pettit, Puett, Thompson—19.

*Those who voted for Mr. Howard were,*

Messrs. Finch, Hackett, Lowe, Turman, Watt of U., Anderson, Arnold, Baker, Brown, Lee, Major, Monroe, Nelson, Parker, Stewart—15.

*Those who voted for Mr. Dewey were,*

Messrs. Armstrong, Tuley, Albertson, Cotton of P., Gregory, Wilson of H.—6.

*Mr. Boon received the votes of*

Messrs. Casey and Bowles—2.

*Mr. Stapp received the votes of*

Messrs. Chapman, Jackson, Lewis, Peaslee, Powell, Rose, Spann, Terrell, Truelock, and Willey—10.

*Mr. Dunn received the votes of*

Messrs. Arion and Smith of R.—2.

*Mr. J. H. Thompson received the vote of*

Mr. Hoagland—1.

*Mr. Samuel Hall received the vote of*

Mr. Thompson of P.—1.

*Mr. Kilgore received the votes of*

Messrs. Trimble and Conaway—2.

*Mr. John Bryce received the vote of*

Mr. Perine—1

*Mr. W. W. Wick received the vote of*

Mr. Reynolds—1.

No person having received a majority of all the votes given, both Houses proceeded in like manner to a thirty-fourth vote; of which the following is the result, viz:

*Col. Blake received the votes of*

Messrs. Bowen, Brady, Bryant Cathcart, Clark of L., Dobson, Dunning, Ewing of C., Fitch, Green, Hargrove, Mollat, Moore, Raley, Sigler, Stafford, Stanford, Tuley, Allison, Blair, Boon, Brown, Cair of J., Cair of L., Champer, Chiles, Cooper, Cotton of S., Cutter, Devlin, Dole, Eggleston, Field, Flint, Graham, Hanna, Healey, Helmer, Hendricks, Herriman, Hurst, Johnson of Marion, Johnson of Monroe, Jones, Kilgore, Kinney, Lane, Mason, McCormick, McNary, Noel, Owen, Proffitt, Riley, Smyth, Townsend, Williams, Wines, and Mr. Speaker—59.

*Kr. Noble received the votes of*

Messrs. Turman, Brenton, Judah, Matson, Morgan, Wilson of M.—6

*Mr. Howard received the votes of*

Messrs. Hackett, Lowe, Wait, of U. Arnold, Baker, Lee, Major, Nelson, Reynolds, Stewart.—10.

*Mr. Dewey received the votes of*

Messrs. Armstrong, Baird, Mitchell, Smith of R., Albertson, Cotton of P., Gregory, Parker, Wilson of H., Wyman—10.

*Mr. Boon received the votes of*

Messrs. Casey, Bowles, Monroe.—3

*Mr. Stapp Received the votes of*

Messrs. Arion, Bell, Hoagland, Morgan, Williams, Blight, Chapman, Clymer, Cogswell, Conaway, Ebert, Glas, Jackson, Lewis, Marshall, Peaslee, Powell, Rose, Spann, Terrell, Truelock, Willey—22.

*Those who voted for Mr. White were,*

Messrs. Beard, Clark, of T., Cole, Crawford, Kennedy, Mount, Smith of W., Thompson of J., Trimble, Vawter, Walker Watts of D., Alley, Anderson, Bryant, Bryce, Earl, Eldridge, Hubbard, Hunt, Kenton, McCarty, McClure, Morrow, Pettit, Puett, Rush, Thompson—28.

*Mr. Tipton received the vote of*

Mr. Milroy—1

*Mr. Bryce received the vote of*

**Mr. Perine—1**

*Mr. S. M. Leavenworth received the vote of*

**Mr. Sands—1.**

*Mr. S. Hall received the vote of*

**Mr. Thompson of P—1.**

No person having received a majority of all the votes, both Houses proceeded in like manner to a thirty fifth vote, which resulted as follows:

*Those who voted for Mr. Blake were*

Messrs. Brady, Cathcart, Dobson, Dunning, Ewing, of C., Green, Moffatt, Riley, Sigler, Stafford, Stanford, Tuley, Allison, Blair, Boone, Bright, Brown Carr of J., Carr of L., Champer, Chiles, Colton of S., Cotton, Devin, Dole, Eggleston, Field, Flott, Graham, Hanna, Herriman, Hurst, Johnson of Marion, Jones, Kilgore, Kinney, Lane, McCormick, McNary, Noel, Owen, Profit, Riley, Smyth, Townsend, Williams, Wines, Mr. Speaker—49.

*Those who voted for Mr. Noble were*

**Messrs. Bowen, Turman, Matson—3.**

*Those who voted for Mr. Howard, were*

Messrs. Hackett, Hargrove, Lowe, Watt of U., Anderson, Arnold, Baker, Conaway, Nelson, Parker, Perine, Stewart—12.

*Mr. Dewey received the votes of*

**Messrs. Armstrong, Colton of P., Gregory and Wyman—4.**

*Those who voted for Mr. Boon were*

**Messrs. Casey, Bowles and Monroe—3.**

*Those who voted for Mr. Stapp, were*

Messrs. Arion, Bell, Hoagland, Cogswell, Judah, Lee, Peaslee, Rose, Spann, Terrell—10.

*Those who voted for Mr. White were*

Messrs. Baird, Beard, Bryant, Clark of T., Clark of L., Cole, Crawford, Kennedy, Morgan, Mount, Smith of R., Smith of W., Thompson of J., Trim-

ble, Vawter, Walker, Watts of D., Williams, Albertson, Alley, Brenton, Bryant Bryce, Chapman, Clymer, Cooper, Earl, Egbert, Eldridge, Glass, Healey, Helmer, Hendricks, Hubbard, Hunt, Jackson, Kenton, Lewis, Marshall, Mason, McCarty, McClure, Morrow, Pettit, Powell, Puett, Rush, Sands, Thompson, Truelock, Willey, Wilson of H.—52.

Messrs. Mitchell and Major voted for Mr. Hendricks.

Messrs. Finch and Milroy, voted for Mr. Tipton.

Mr. Moore voted for N. Biddle.

Mr. Thompson of P., voted for Mr. S. Hall.

Mr. Morgan voted for Mr. Kilgore.

Mr. Reynolds voted for Mr. W. W. Wick.

No person having received a majority of all the votes given, both Houses proceeded to a thirty-sixth vote, which resulted as follows: viz.

Mr. Boon received the vote of Mr. Bowles—1.

Mr. Dewey received the vote of Mr. Gregory—1.

Mr. Noble received the vote of Messrs. Arion, Bowen, Lowe, Alley, Cooper, Cotton of P., Hunt, Judah, Matson, Wines and Wyman—11.

*Mr. Howard received the votes of*

Messrs. Hackett, Tuley, Watt of U., Anderson, Arnold, Baker, Conaway, Lee, Major, Monroe, Nelson, Parker, Peaslee, Perine, Reynolds and Stewart—16.

*Mr. Tipton received the vote of Mr. Walker—1*

*Those who voted for Mr. Blake were,*

Messrs. Bryant, Casey, Dobson, Ewing of C., Finch, Moffat, Moore, Sigler, Stafford, Sanford, Allison, Blair, Boon, Brown, Champer, Chiles, Cogswell, Cutter, Devin, Flint, Glass, Graham, Hanna, Herri-man, Hurst, Johnson of Monroe, Jones, Kilgore, Kinney, Lane, M'Nary, Milroy, Owen, Proffitt, Smyth, Townsend, Mr. Speaker—37.

*Mr. White received the votes of*

Messrs. Armstrong, Baird, Beard, Bell, Brady, Cathcart, Clark, of L., Clark of T., Cole, Crawford, Dunning, Green, Hargrove, Hoagland, Kennedy, Little, Morgan, Mount, Riley, Smith, of W., Smith of R., Thompson of J., Thompson of P., Trimble, Turman, Vawter, Watts of D., Williams, Albertson, Brenton, Bright Bryant, Bryce, Carr of J., Carr of L., Chapman, Clymer, Cotton of S., Dole, Earl, Egbert, Eggleston, Eldridge, Field, Healey, Helmer, Hendricks, Hubbard, Jackson, Johnson of Marion, Kenton, Lewis, Marshall, Mason,

M'Carty, M'Clure, M'Cormick, Morgan, Morrow, Noel, Pettit, Powell, Puett, Riley, Rose, Rush, Sands, Spann, Terrell, Thompson, True-lock, Willey, Williams, Wilson of H., Wilson of M.—75.

Albert S. White having received a majority of all the votes given, was, by the President of the Senate, in presence of both Houses, declared duly elected Senator of the United States, to serve as such for the term of six years, from and after the third day of March next.

The Senate then retired to their Chamber.

On motion the House adjourned until to-morrow morning, at nine o'clock.

#### THURSDAY, DECEMBER 13, 1838.

The House met pursuant to adjournment.

Mr. Brown presented the petition of Hiram P. Smith and others, on the subject of a change in the state road in Sullivan county, from Merom to Rawley's mills;

Which was referred to the committee on roads without reading.

Mr. Hanna presented the remonstrance of J. D. Morris and others, on the subject of the repeal of a law opening a certain street in the town of Indianapolis:

Which was referred to the committee on the affairs of the town of Indianapolis, without reading.

On motion of Mr. Matson,

The petition offered by him on yesterday, and laid on the table, on the subject of a McAdamized or state road, was taken up, and referred to a select committee of

Messrs. Matson, McCarty, Morgan, Alley, and Rush.

Mr. Dole asked and obtained leave of absence for Mr. Kinney.

Mr. Lane made the following report:

MR. SPEAKER—

The select committee to which was referred the petition of John Mitchell and others, of Vanderburgh county, relative to a mill dam therein named, have had the same under consideration, and have directed me to report a bill No. 30, to authorize Samuel L. Olmstead to build a mill dam across Pigeon creek;

Which was read and passed to a second reading on to-morrow.

On motion of Mr. Reynolds,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of repealing the fifteenth section of an act entitled An act incorporating congressional townships, and providing for public schools, approved February the 17th, 1835.

Mr. Helmer offered for adoption the following resolution:

*Resolved*, That five thousand copies of the proceeding had on the subject of the election of United States Senator, be printed for the use of this house;

Which was not adopted.

On motion of Mr. Jones,

*Resolved*, That the judiciary committee inquire into the expediency of so changing the form of the oath administered to grand jurors, that there shall be no doubt of their duty to present to, and testify before, a court as to such matters as may come to their knowledge while serving as grand jurors, and whether it would not be proper to release them from the obligation of secrecy after the prisoner shall have been taken into custody.

On motion of Mr. Wines,

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of reviving the law giving a premium on wolf scalps, repealed February 17, 1838.

Mr. Gregory offered for adoption the following resolution:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the criminal laws of this state, as to make the penalty for the second offence of grand larceny, imprisonment in the state prison for life: And they report by bill or otherwise; which was not adopted.

On motion of Mr. Bryce,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending the law regulating the probate courts, and if so, what amendments are necessary; and that they have leave to report by bill or otherwise.

On motion of Mr. Cooper,

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of changing the law relative to the appointment of Collectors of the state and county revenue by the board of county commissioners, so that the Collectors throughout the state may be elected by the voters in their respective counties at the August election: with leave to report by bill or otherwise.

On motion of Mr. Powell,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the probate law as to require guardians to make annual exhibits of the assets in their hands, and in case of failure, to make it imperative on the proper probate court to cause citations to issue, compelling such delinquents to a compliance, at the cost of such delinquent.

*Resolved further*, That the committee inquire into the expediency of making it the duty of guardians, after settlements made with their

respective wards, to submit such settlement to the proper probate courts, that final entry may be made; with leave to report by bill or otherwise.

On motion of Mr. Cutter,

*Resolved*, That the committee on public buildings be instructed to inquire into the practicability of adopting some more efficient mode of preventing the unnecessary abuse of the public buildings of the state; with leave to report by bill or otherwise.

On motion of Mr. Champer,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so changing the criminal law of the state, as to imprison for life in all cases where now by the law death would be the punishment.

On motion of Mr. Peaslee,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of adopting the probate circuit system, and report by bill or otherwise.

On motion of Mr. Bright,

*Resolved*, That the committee of ways and means report a bill so amending the revenue law that the penalty of collector's bonds shall be fixed by the board doing county business in double the estimated amount of the revenue of such county.

On motion of Mr. Wilson of H.,

*Resolved*, That the committee of ways and means be required to report to this House, a bill providing for the assessment and collection of the revenue of this state.

On motion of Mr. Hubbard,

*Resolved*, That the committee on canals and internal improvement be instructed to inquire into the expediency of providing by law for the building of bridges across any of the canals in this state, at the expense of the state, where said canals run immediately adjacent to meeting houses belonging to any religious society in this state, where a board of appraisers are appointed, as contemplated by the act providing for a general system of internal improvement may think that justice and convenience to said society would authorize the same.

On motion of Mr. Gregory,

*Resolved*, That the committee on canals and internal improvement be instructed to inquire into the expediency of tapping the canal opposite the town of Williamsport, the county seat of Warren county, so that a side cut shall be made to the Wabash river, sufficiently large for the passage of boats; with leave to report by bill or otherwise.

On motion of Mr. Chapman,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending an act concerning debtors and their securities, as to enable the security to object to the stay of execution after judgment, unless the principal debtor will give security on his own responsibility; to report by bill or otherwise.

On leave granted, Mr. Brenton made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of David A. Adams and others, praying for a special session of the circuit court of Hendricks county, for the trial of John McLean, who stands indicted for the murder of Abijah Garrison, have had the same under consideration, and have directed me to report the following bill:  
 No. 31, to provide for a special session of the Hendricks circuit court,  
 Which was read three times and passed,  
 The rules being dispensed with.

*Ordered*, That the Clerk carry it to the Senate, and ask their concurrence therein.

Mr. Carr of L., offered for adoption the following resolution:

*Resolved*, That the committee on canals and internal improvement be instructed to inquire into the expediency of providing by law for the sale of portions of our public works to companies; with leave to report by bill or otherwise.

Which was not adopted.

Mr. Proffitt offered the following resolution for adoption:

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of appropriating a part of the 3 per cent, which may hereafter become due the state of Indiana, to, and in, the formation of a sinking fund for the benefit of internal improvement.  
*Provided*, That the 3 per cent. fund so taken and appropriated shall be taken from the counties through which some one of the canals, rail roads, or McAdamized are or shall be located:

Which was on motion of Mr. Boon laid on the table.

The following message was received from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the President of the Senate has appointed the following joint committees on the part of the Senate, to-wit:

*Joint committee on Public Buildings.*

Messrs. Finch, Cathcart, Armstrong, Turman, Stafford, Morgan, and Hargrove.

*Joint committee on the Canal fund.*

Messrs. Moffat, Tuley, Watts of D., Crawford, Watt of U., Bowen, and Dunning.

*Joint committee on the State Library.*

Messrs. Mitchell, Bryant, Dobson, Moore, and Trimble.

On motion of Mr. Thompson,

*Resolved*, That a select committee be appointed to inquire into the expediency of authorizing a sale of state bonds redeemable in twenty years, to be applied to the opening and improving the most important state roads in the several counties in this state, pledging the 3 per cent. fund for the payment of the interest on such loan; with leave to report by bill or otherwise.

Messrs. Thompson, Egbert, Chiles, Graham, and Major.

Mr. Healey, offered for adoption the following resolution:

*Resolved*, That a select committee be appointed to inquire into the expediency of so amending the act regulating mills and millers, as to leave it discretionary with the owner of any mill to grind or not, any grain for distillation; with leave to report by bill or otherwise,

Which was not adopted.

On motion of Mr. Perine,

The reports of the state bank and branches were taken from the table, and one thousand copies ordered to be printed.

On motion of Mr. Kilgore,

Said reports were referred to the committee on the state bank.

On motion of Mr. Alley,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so changing the present laws of this state as to allow witnesses in state causes fees for their services as in civil causes, to report by bill or otherwise.

The following message was received from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills thereof, entitled

No. 4, An act to amend an act entitled An act to incorporate the town of Princeton.

No. 5, An act for the election of an additional justice of the peace for the town of Russellville, in Putnam county.

No. 6, An act declaring a certain name a misprint.

In which the concurrence of the House is respectfully requested.

No. 4 in said message was read the first time and passed to a second reading on to-morrow.

No. 5 was read three times and passed, the rules of the House being suspended, on motion of Mr. Chiles.

No. 6 was read the first time and passed to a second reading on to-morrow.

Mr. Blair introduced bill

No. 32, to grant the right of way to Illinois, to connect their Northern Cross Railroad with the Wabash river at Perryville—which was read the first time and passed to a second reading on to-morrow.

Mr. Gregory introduced bill

No. 33, to amend an "act Incorporating the Crawfordsville and Williamsport Turnpike Company"—which was read and passed to a second reading on to-morrow.

Mr. Cotton of S. introduced bill

No. 34, Providing for the election of United States Senator and other officers.

Mr. Proffitt introduced bill

No. 35, Providing for the clearing out of Pride's creek in Pike county—which were each read and passed to a second reading on to-morrow.

On motion of Mr. Smydth, bill

No. 4, Relative to the Board of Internal Improvement was taken from the table.

Mr. Proffitt moved to refer it to the committee on Canals and Internal Improvement.

And before any action had thereon, on motion, the House adjourned until 2 o'clock, P. M.

*Two o'clock, P. M.*

The House met pursuant to adjournment,

And resumed the consideration of bill

No. 4, which was on motion of Mr. Milroy, laid on the table.

The following message was received from the Senate by Mr. Test their Secretary:

*MR. SPEAKER:—*

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 31, entitled "an act to provide for a special session of the Hendricks Circuit Court," without amendment.

The following message was received from the Senate by Mr. Test, their Secretary:

*MR. SPEAKER:—*

I am instructed by the Senate to inform the House of Representatives, that the Senate has adopted the following resolution, to-wit:

*Resolved*, That the Senate will (the House of Representatives concurring therein.) proceed to-morrow, the 14th inst. at 10 o'clock A. M. to the election of President of the State Bank, to fill the vacancy after term of service of the Hon. Samuel Merrill shall have expired, and also to elect at the same time a Director for said State Bank, to fill the vacancy that will be occasioned by the expiration of the term of service of Robert Morrison.

On motion of Mr. Owen, the House concurred in said resolution.

Mr. Noel from the joint committee on enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report, that they have this day compared the engrossed with the enrolled bill of the Senate, No. 5, entitled, "An act for the election of an additional Justice of the Peace for the town of Russelville, in Putnam county;" and find the same truly enrolled.

Mr. Noel, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have this day compared the following engrossed bills of the House, with the enrolled bills, to wit:

No. 22, entitled, "An act to change the mode of doing county business, in the county of Posey; and for other purposes; and

No. 31, entitled, "An act to provide for a special session of Hendricks Circuit court; and find the same correctly enrolled.

On motion of Mr. Graham,

The House went into committee of the whole, on the Governor's Message,

Mr. Hubbard in the chair;

And after having spent some time therein, the Speaker resumed the chair, and Mr. Hubbard reported,

That the committee of the whole have, according to order, had under consideration the Message of his Excellency the Governor—have adopted several resolutions in reference thereto; in which the concurrence of the House is requested.

1. *Resolved*, That so much of the Governor's message as relates to the subject of internal improvements, be referred to the committee on Canals and Internal Improvements.

2. *Resolved*, That so much of the Governor's message as relates to the Michigan road, be referred to the committee on Canals and Internal Improvements.

3. *Resolved*, That so much of the Governor's message, as relates to a concentration of the means of the state, on portions of the several works, be referred to the committee on Canals and Internal Improvements.

4. *Resolved*, That so much of the Governor's message as relates to the inequality and other defects of the assessment of property for taxation, be referred to the committee of Ways and Means.

5. *Resolved*, That so much of the Governor's message as refers to the creation of a sinking fund for the benefit of internal improvements, be referred to the committee of Ways and Means.

6. *Resolved*, That so much of the Governor's message as refers to the present defective mode of collecting the revenue be referred to the committee of Ways and Means.

7. *Resolved*, That so much of the Governor's message as refers to the surplus revenue, be referred to the committee of Ways and Means.

8. *Resolved*, That so much of the Governor's message as refers to the revenue, be referred to the committee of Ways and Means.

9. *Resolved*, That so much of the Governor's message as refers to the State Bank, be referred to the committee on the State Bank.

10. *Resolved*, That so much of the Governor's message as refers to the increase of bank stock, be referred to the committee on Banks.

11. *Resolved*, That so much of the Governor's message as refers to the unsafe situation of the public records, be referred to the committee on Public Buildings.

12. *Resolved*, That so much of the Governor's message as relates to the public buildings, be referred to the joint committee on Public Buildings.

13. *Resolved*, That so much of the Governor's message as relates to the Wabash canal lands, which have been and are to be selected in consequence of the extension of the Wabash and Erie canal, from the mouth of Tippecanoe to Terre-Haute, be referred to the Judiciary committee, and that they be instructed to report to this House their opinion as to the legal right of Indiana to said lands.

14. *Resolved*, That so much of the Governor's message as relates to granting premiums, be referred to the committee on Agriculture.

15. *Resolved*, That so much of the Governor's message as refers to agriculture, be referred to the committee on Agriculture.

16. *Resolved*, That so much of the Governor's message as relates to education, be referred to the committee on Education.

17. *Resolved*, That so much of the Governor's message as relates to the education of the deaf and blind, be referred to the committee on Education.

18. *Resolved*, That so much of the Governor's message as relates to the militia of this State, be referred to the committee on Military Affairs.

19. *Resolved*, That so much of the Governor's message as refers to Col. A. C. Pepper's treaty with the Miami Indians, be referred to the Judiciary Committee, with instructions to inquire into the propriety of memorializing Congress on the subject of its ratification.

20. *Resolved*, That so much of the Governor's message as refers to the settlers on the lands lately selected by the Governor for the use of the Wabash and Erie canal, be referred to the Judiciary Committee.

21. *Resolved*, That so much of the Governor's message as refers to the subject of the State Prison, be referred to the committee on the State Prison.

22. *Resolved*, That so much of the Governor's message as refers to the three per cent. fund, be referred to the committee on Roads.

23. *Resolved*, That so much of the Governor's message as relates to the appointment and payment of a State Geologist, be referred to a select committee.

24. *Resolved*, That so much of the Governor's message as relates to the State Geologist, be referred to a select committee.

25. *Resolved*, That so much of the Governor's message as relates to the manufacture of iron, be referred to the select committee to which the subject of geology was referred.

26. *Resolved*, That so much of the Governor's message as refers to the reduction of the Board of Internal Improvements, be referred to the select Modifying Committee.

27. *Resolved*, That so much of the Governor's message as refers to the communication of the Governor of Michigan and the resolutions of the Legislature of that State in regard to the improvement of the St. Joseph river, be referred to a select committee.

28. *Resolved*, That so much of the Governor's message as says, "I lay before you, for your reflection, agreeably to request, resolutions of the Legislatures of Maine, Vermont, Connecticut, Ohio, Kentucky, Georgia, and Alabama, on a variety of interesting subjects, deemed by them to have an important bearing upon the general welfare of the Union," be referred to a select committee.

On motion, the House concurred generally in the resolutions reported from the committee.

On motion of Mr. Milroy,

*Resolved*, That the Speaker of this House be requested to direct a chair to be provided within the bar of this House, for the use of the Governor, who is hereby invited to occupy the same at such times as may suit his convenience during the session.

On motion of Mr. Hubbard,

The door keeper was permitted to hire an additional hand to help him in discharge of his duties.

Mr. Terrell offered for adoption the following resolution:

*Resolved*, That if the remaining numbers of the Governor's message, ordered by this House, be not ready for delivery within one week, that they be dispensed with: which was,

On motion of Mr. Boon, laid on the table.

On motion,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY, DECEMBER 14th, 1838.

The House met pursuant to adjournment.

On resolution No. 24 the Speaker appointed Messrs. Cotton of S., Thompson, Dole, Gregory and McClure. On No. 27, Messrs. Perine, Egbert, Herriman, Clymer and McClure. On 29, Messrs. Proffitt, Kilgore, Bright, Milroy and Jones. No. 26, was referred to the committee on No. 24.

The Speaker laid before the House the following communication from his Excellency the Governor:

EXECUTIVE DEPARTMENT,  
Indianapolis, Dec. 13th, 1838. }

HON. TH. J. EVANS,

Speaker of the House of Representatives:

SIR:—

Through the medium of the Chair I inform the House of Representatives, that John M. Wallace is appointed private Secretary, and that he is authorized to make communications from this department to the Legislature during the session.

DAVID WALLACE.

On motion of Mr. Gregory,

Mr. Rose was added to the committee on roads.

Mr. Hunt presented the memorial of the Board of Directors of the Winchester Turnpike Company; which was read, and referred to a select committee of Messrs. Hunt, Kilgore and Morrow.

Mr. Cogswell presented the petition of Haymond W. Clark and others, praying for the repeal of an act entitled An act to attach part of township No. 19, north, range 4 east, to township No. 19, north, range 5 east, and for other purposes, approved February 7, 1838,—which was read and referred to a select committee of Messrs. Cogswell, Hunt and Wines.

The following message was received from his Excellency the Governor, by Mr. Wallace, his private Secretary:

MR. SPEAKER:—

I am requested to inform the House of Representatives, that his excellency the Governor did, on the 13th inst. approve and sign acts of the following titles, which originated in the House of Representatives, viz:

An act to authorize a special session of the Probate court of Knox county.

22. An act to change the mode of doing county business in the county of Posey, and for other purposes; and,

31. An act to provide for a special session of the Hendrick's circuit court.

Mr. Matson moved the adoption of the following resolution:

That the committee of ways and means be instructed to provide, in the price for assessing and collecting the state and county revenue, for the graduation of the per cent. for collecting, so that in those counties where the tax exceeds one thousand dollars, the per cent. for collecting shall be lessened.

Which was, on motion of Mr. Bryce, laid on the table.

On motion of Mr. Cotton of Perry,

Resolved, That a select committee be appointed and instructed to inquire into the expediency of opening the state road leading from Rome, Perry county, to Petersburg in Pike county; with leave to report by bill or otherwise.

Messrs. Cotton, Jones and Proffitt were appointed said committee.

The House now proceeded with closed doors, to the election of President of the State Bank.

Messrs. Bryant and Puett acting as tellers; and on counting the first ballot it appeared that

Samuel Merrill received	-	-	-	85 votes.
Scattering,	-	-	-	10 "

Samuel Merrill having received a majority of all the votes given, was by the speaker declared duly elected, on the part of the House, President of the State bank.

*Ordered*, That the clerk inform the senate thereof.

The House in like manner, proceeded to the election of State Director, and on counting the first ballot it appeared that

Robert Morrison received	-	-	-	84 votes.
Scattering,	-	-	-	11 "

Robert Morrison having received a majority of all the votes given, was by the speaker, declared duly elected on the part of the House, Director of the State Bank.

*Ordered*, That the clerk inform the Senate thereof.

The following message was received from the senate by Mr. Test their secretary:

MR. SPEAKER:—

I am directed by the Senate to deliver to the House of Representatives sealed messages in relation to the election of President and Director of the State Bank of Indiana.

Said messages were opened and read as follows, to wit:

MR. SPEAKER:—

I am directed to inform the House that at an election held by the Senate in pursuance of a resolution of the Senate and House of Representatives for the purpose of electing a President of the State Bank of Indiana, to fill the vacancy of Samuel Merrill, whose term of service will expire during the present session of the General Assembly, on the first ballot, with closed doors, Samuel Merrill received a majority of all the votes given in the Senate, and therefore was duly declared elected on the part of the Senate to serve as such for the term of five years from and after the expiration of his present term of service.

CHARLES H. TEST, Sec. Sen.

MR. SPEAKER:—

I am directed to inform the House, that at an election held by the Senate, in pursuance of a Resolution of the Senate and House of Representatives, for the purpose of electing a Director of the State Bank of Indiana, to fill the vacancy of Robert Morrison, whose term of service will expire during the present session of the General Assembly, on the first ballot with closed doors, Robert Morrison received a majority of all the votes given in the Senate, and was therefore duly declared elected on the part of the Senate, to serve as such four years from and after the expiration of his present term of service.

CHARLES H. TEST, Sec. Sen.

On motion of Mr. Judah,

*Resolved*, That the committee on the state library inquire into the expediency of transferring to the law library all the books and reports of other states, now in the state library and which may hereafter be placed there, and also into the expediency of providing a good stove for the law library room; and report by bill or otherwise.

On motion of Mr. Chapman.

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the act regulating the jurisdiction and duties of justices of the peace, as to authorize justices of the peace, to swear persons offered as security for the stay of executions, as to their solvency; to report by bill or otherwise.

On motion of Mr. Kilgore,

*Resolved*, That the judiciary committee inquire into the expediency of so changing the law, that a judgment creditor may at any time release from custody his judgment debtor when so in custody, by virtue of a writ of *capias ad satisfaciendum*, sued out by such judgment creditor, without, by so doing, releasing his debt;—and, that the same may be collected by execution or otherwise in the same manner that the same might have been collected, if said debtor had never been arrested by virtue of said writ.

On motion of Mr. Dole,

*Resolved*, That the select committee to which was referred the subject of a geological survey, be instructed to inquire, whether it is expedient to incorporate in a bill for a geological survey, a section making it the additional duty of the state geologist, to inquire into the causes and remedies for the disease commonly called the milk sickness; to make such experiments in regard to this matter as to him may seem necessary, and to make a separate report on the subject, annually to the legislature.

On motion of Mr. Rose,

*Resolved*, That the committee on elections be instructed to inquire into the expediency of making it a penal offence for persons not legally entitled to the right of suffrage, to offer a vote at the general or other elections in this State; and report by bill or otherwise.

On motion of Mr. Johnson of Monroe,

*Resolved*, That the judiciary committee be requested to inquire into the expediency of so amending the present criminal law, as to give Attorneys prosecuting the pleas of the State, the right of presenting challenge to number of Jurors; with leave to report by bill or otherwise.

On motion of Mr. Wyman,

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of so amending the Poor law, as to make some provision for educating minors who may be bound out as apprentices, agreeably to the third section of said law, and report by bill or otherwise.

On motion of Mr. Pettit,

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law, as to forbid the defendant on appeal from any judgment of any Justice of the Peace, rendered on *scire facias*, against docket or replevy bail, without an affidavit of merits being first made.

On motion of Mr. Cooper,

*Resolved*, That the Committee on Education be requested to inquire into the propriety and expediency of revising the present school law relative to schools congressional, or amending said law, if any be required in their opinion; with leave to report by bill or otherwise.

On motion of Mr. Helmer,

*Resolved*, That the Committee on Education, be instructed to inquire into the present condition of Congressional school funds, and ascertain whether there does not exist great inequality in the distribution of said fund; if so, report to this House, in what that inequality consists and whether such inequality does not contravene the spirit of the law creating such fund; to report by bill or otherwise.

On motion of Mr. Perine,

*Resolved*, That his Excellency the Governor be respectfully requested to lay before this House the communications received from the Executive, and the resolutions passed by the Legislature of Michigan, in regard to the navigation of the St. Joseph river.

On motion of Mr. Thompson,

*Resolved*, That the Committee on Elections be instructed to inquire into the expediency of equalizing the several Congressional districts in this State; with leave to report by bill or otherwise.

On motion of Mr. Noel,

*Resolved*, That the Committee of Ways and Means, be instructed to inquire into the expediency of refunding to the county of Parke, to be expended in the improvement of Raccoon creek and Sugar creek, the amount of the three per cent. fund, belonging to said county, that has been expended on the Wabash river.

On motion of Mr. Brenton,

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the act regulating the jurisdiction and duties of Justices of the Peace, approved February 17th, 1838, as to extend their jurisdiction in actions of trespass to one hundred dollars.

On motion of Mr. Arnold,

*Resolved*, That the Committee of Ways and Means, be instructed to inquire into the expediency of so amending the law, regarding the taking up of animals trespassing or going estray, as to dispense with the selling the same at public auction after one year, and vesting the property in the taker up, he being responsible to the owner after one year, for the amount of the appraisement; and to report by bill or otherwise.

On motion of Mr. Cutter,

*Resolved*, That the Committee on the Judiciary, be instructed to inquire into the expediency of amending the law, so as to abolish imprisonment for debt.

On motion of Mr. Smydth,

*Resolved*, That the Committee on the Judiciary be instructed to inquire whether the last section of "an act relative to Probate Courts, approved February 3d, 1832, is omitted in the late revision of the laws, and if so, to report a bill reviving said section.

On motion of Mr. Peaslee,

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of providing by law, that any person having a claim against any decedent's estate, for his personal labor or services, shall have preference of any other creditor of said estate; and report by bill or otherwise.

On motion, Mr. Johnson of Monroe, was added to the Committee on Ways and means.

Mr. Chiles offered for adoption the following resolution:

*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of appropriating that part of the surplus revenue now set apart for school purposes, to the creation of a sinking fund, the proceeds of which shall go to discharge the debt incurred by the State on account of her public works.

Which was, on motion of Mr. Bryce, laid on the table.

Mr. Clymer offered for adoption the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law as to prevent either party from an appeal to the Circuit Court, from Justice's docket, where said party have had a trial by Jury of twelve men;

Which was, on motion of Mr. Champer, laid on the table.

Mr. Dumont introduced, bill

No. 36; To amend an act entitled An act to regulate the jurisdiction and duties of Justices of the Peace, approved February 17th, 1838.

Which was read twice, the rule being suspended, and referred to the Committee on the Judiciary.

MR. SPEAKER:—

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed joint resolution thereof,—No. 2, entitled

"A joint resolution of the General Assembly of the State of Indiana, relative to the duties of Enrolling Secretary of the Senate, and Clerk of the House of Representatives."

In which the concurrence of the House of Representatives is respectfully requested.

On motion of Mr. Bryce,

The rules were suspended, and the resolution read three times and passed.

MR. SPEAKER:—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof,—No. 17, entitled

An act to amend the act entitled An act to regulate the mode of doing county business in the several counties in this State, approved February 17th, 1838.

In which the concurrence of the House is respectfully requested.

Bill read a first time; and, on motion of Mr. Sands, the rules of the House were dispensed with, and said bill was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Parker introduced bill

No. 37; To amend an act authorizing the appointment of pilots at the falls of the Ohio river; which was read; and on motion of Mr. Hurst, read a second time and referred to a select committee consisting of

Messrs. Hurst, Parker, Field, Monroe, Baker and Stewart.

On motion of Mr. Egbert, bill

No. 21, To extend the time for collecting the revenue of St. Joseph county, wa; taken from the table, and read a third time and passed.

*Ordered,* That it be taken to the Senate and their concurrence be requested therein.

Mr. Hunt introduced bill]

No. 28; To provide for a more uniform mode doing the township business of Randolph county; which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Noel introduced bill

No. 39; Relating to roads in Park county, which was read and passed to a second reading on to-morrow.

The House went into the orders of the day.

Bill of the House

No. 13, for the relief of Solomon Vancada was read a second time, and on motion of Mr. Graham, referred to the committee on the Judiciary.

On motion, the House adjourned until 2 o'clock, P. M.

*Two o'clock, P. M.*

House met pursuant to adjournment, and resumed the orders of the day.

No. 7, declaring a misprint.

No. 15, to provide for working roads and highways in the counties of Lawrence, Owen, and Green.

No. 24, to authorize the sale of certain school lands in the county of Sullivan.

No. 25, regulating the time of holding Probate Courts in the county of Posey.

No. 32, granting the right of way to Illinois to connect the northern cross rail road, with the Wabash and Erie Canal at Perrysville.

No. 33, to amend an act incorporating the Crawfordsville and Williamsport turnpike road company.

No. 35, to provide for the clearing out of Prides creek in Pike county,

Were severally read a second time, and ordered to be engrossed for a third reading on to morrow.

No. 14, concerning corporate privileges, was read a second time, and on motion of Mr. Hubbard, laid on the table.

No. 17, for the relief of the heirs of William, Robert, and Thomas Huddleton, was read a second time, and on motion Mr. Bright, referred to the committee on the Judiciary.

George Clime, Esq, from the counties of Porter and Lake, approved, produced his certificate of election, was sworn into office, and took his seat as a member of this House. Bill

No. 34, to provide for the election of United States Senator and other officers, was read a second time;

Mr. Boon moved moved for the indefinite postponement of it.

Mr. Proffitt moved to lay it on the table, which did not prevail.

The question then recurred on the indefinite postponement; and the ayes and noes being called by Messrs. Boon and Monroe,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Brown, Bryant, Bryce, Carr of L. Champer, Chapman, Chiles, Cline, Clymer, Cogswell, Cooper, Conaway, Cutter, Devin, Dumont, Eldridge, Flint, Glass, Graham, Gregory, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kilgore, Lane, Lee, Lewis, Major, McClure, McCormick, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Owen, Peaslee, Perine, Pettit, Powell, Riley, Rose, Rush, Sands, Smyth, Spaun, Stewart, Thompson, Townsend, Truelock, Williams, Wilson of H. Wines and Wyman—69.

*Those who voted in the negative were*

Messrs. Blair, Bright, Cotton of P., Cotton of S., Dole, Earl, Egbert, Eggleston, Field, Hanna, Healey, Helmer, Hurst, Jones, Kenton, Marshall, Masen, Matson, McCarty, Noel, Parker, Proffitt, Terrell, Willey, Wilson of M. and Mr. Speaker—26.

So said bill was indefinitely postponed.

*Bills of the Senate*

No. 4, to amend an act entitled An act to incorporate the town of Princeton;

No. 6, declaring a certain name a misprint,

Were each read a second time, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Bryce, leave being granted,

*Resolved*, That the Auditor of Public Accounts, forthwith report to this House a full statement of every account allowed in favor of the Treasurer of State, the Auditor of Public Accounts and the Secretary of State, as compensation or otherwise for any public fund, for each quarter of the years of 1837 and 1838.

On motion, the House adjourned until to-morrow morning 9 o'clock.

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**SATURDAY, DECEMBER 15, 1838.**

The House met pursuant to adjournment.

Mr. Herriman presented the petition of George H. Able and others, praying an act to be passed to change the mode of doing county business in De Kalb county; which was read and referred to a select committee of Messrs. Herriman, Clymer, and Thompson.

Mr. Willey presented the petition of Mary Jane Peck for relief;

Which was read and referred to a select committee:

*Ordered*, That Messrs. Willey, Mason and McCarty be that committee.

Mr. Major presented the petition of John Jamison and others, pray-

ing for a State road from the town of Millers, in Clinton county, to Eaton's mills, in Tippecanoe county;

Which was referred to the committee on roads without reading.

*Mr. Milroy* presented the petition of *George Merkle* and others, of Carroll county, praying an act to be passed to abolish imprisonment for debt;

Which was read and referred to the committee on the Judiciary.

*Mr. Peaslee* presented the petition of *Enoch Stafford* and others, praying for a change in a certain road therein named;

Which was read and referred to a select committee of *Messrs. Peaslee, Powell, Rush, Alley and Morgan*.

On motion of *Mr. Milroy*,

One hundred copies of bill No. 4, relative to Internal Improvements, was ordered to be printed.

*Mr. Smydth* made the following report:

**MR. SPEAKER:—**

The committee on Canals and Internal Improvements, to which was referred a resolution of this House, directing said committee to inquire into the expediency of constructing a tow path in Clay county; have had the same under consideration and directed me to report a bill,

No. 36, to authorise the Board of Internal Improvements in Clay county;

Which was read and passed to a second reading on Monday.

*Mr. Owen* made the following report:

**MR. SPEAKER:—**

The committee on the State Library, to which was referred a resolution of the House relative to the Law Library, have had that subject under consideration and have instructed me to report a joint resolution,

No. 37, concerning the State Library;

Which was read twice, the rules being suspended,

And ordered to be engrossed for a third reading on Monday.

*Mr. Major* made the following report:

**MR. SPEAKER—**

The select committee to whom was referred a petition of sundry citizens of Clinton county, praying an act for the relief of the owners of certain forfeited lands and town lots in Clinton county, have had the same under consideration, and directed me to report a bill.

No. 38, a bill for the reilef of the owners of certain forfeited lands and town lots in Clinton county;

Which was read the first time, and

On motion of *Mr. Pettit*, amended so as to include Tippecanoe county;

Then read a second time, the rule being suspended, and passed to a third reading on Monday.

Mr. Gregory from a select committee made the following report:

**MR. SPEAKER—**

The committee to whom was referred the petition of Enoch Farmer and others, have had the same under consideration, and have instructed me to report the following bill.

No. 39, appointing Isaac Colman to make deeds on the part of Hollingsworth's heirs for lots in the town of Attica;

Which was read the first time and passed to a second reading on Monday.

Mr. Hurst, from a select committee, made the following report:

**MR. SPEAKER—**

The select committee to whom was referred the petition of John Wilson and others, praying the appointing commissioners to locate a State road from Winchester in Randolph county to Bluffton in Wells county, have, according to order, had the same under consideration, and directed me to report the following bill, in accordance with the prayer of the several petitioners.

No. 40, to locate a State road from Winchester to Bluffton;

Which was read and passed to a second reading on Monday.

Leave of absence was granted to Messrs. Anderson and Cogswell.

On motion of Mr. Cutter,

*Resolved*, That the committee on agriculture be instructed to inquire into the expediency and practicability of adopting some efficient mode of encouraging the culture of silk, within the State of Indiana; with leave to report by bill or otherwise.

On motion of Mr. Bryce,

*Resolved*, That the committee on education be instructed to inquire into the expediency of so altering the 7th section of the 4th chapter of the school law, as to make it the duty of the township treasurer to divide and distribute the school funds in his hauds equally between a winter and summer school, in the proper districts; with leave to report by bill or otherwise.

On motion of Mr. Eggleston,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency and propriety of so amending and altering the criminal law now in force in this state, so as to provide for the crection of a house of correction in each of the counties for the punishment of minors, who may be convicted of crimes; with leave to report by bill or otherwise.

On motion of Mr. Cutter,

*Resolved*, That the committee on agriculture be instructed to inquire into the expediency and practicability of creating a fund to be dis-

tributed in premiums for the encouragement of the growth of wheat within the state of Indiana.

On motion of Mr. Cotton of Perry,

*Resolved*, That the sergeant-at-arms be authorized to purchase a thermometer for the use of this House, to be hung in some convenient place in this hall, that the door-keeper may be enabled to keep up a regular temperature of heat, and thereby prevent any further occurrence of the evils caused by so irregular a temperature as at this time is so manifest by cold among the members.

On motion of Mr. Champver,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so changing the law, that hereafter, in all civil cases in the circuit court, or before a justice of the peace, if the defendant shall make and file an affidavit that he verily believes that the plaintiff is not worth the costs, or that the same could not be collected of him if judgment should therein be rendered against him, and that said plaintiff has no just cause of action against the defendant; in that case the plaintiff shall not prosecute his suit further until he shall give such security; and report by bill or otherwise.

On motion of Mr. Smydth,

*Resolved*, That the Committee on Education be instructed to inquire into the practicability and expediency of establishing in this State a system of education on the Prussian plan, and that said committee have leave to report by bill or otherwise.

On motion of Mr. Cooper,

*Resolved*, That the Committee on Judiciary be instructed to inquire into the propriety and expediency of repealing the law, that requires *femes covert*s to be twenty-one years old before they can join with their husbands to convey real estate; so that it will be lawful for them under the age of twenty-one to join with their husbands in the conveyance of any real estate, that the title is vested in the husband, before or after marriage; with leave to report by bill or otherwise.

On motion of Mr. M'Clure,

*Resolved* That the Judiciary Committee be instructed to inquire into the expediency of amending the act organizing circuit courts, and defining their powers and duties, approved Jan. 24, 1831; so as to give to the Circuit Court the same jurisdiction in all cases that probate courts now have, and of increasing the salaries of the circuit judges; with leave to report by bill or otherwise.

On motion of Mr. Thompson,

*Resolved*, That the Committee on Agriculture be instructed to inquire into the expediency of loaning to the State Agricultural Society, the sum of ten thousand dollars out of the Saline fund for the term of ten years, at six per cent. interest, for the purpose of importing Durham and other improved breeds of cattle, with leave to report by bill or otherwise.

On motion of Mr. Terrell,

*Resolved*, That the Judiciary Committee be instructed to inquire into

he expediency and necessity of so amending the probate law, as to allow the probate courts to sit two weeks at their May and November terms, if the business thereof require it; and report by bill or otherwise.

On motion of Mr. Rush,

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of so amending the law of this State, in relation to the duties of the circuit judges in the several circuits in this State, as to require each presiding judge in giving instructions to the jury, to reduce the same to writing; with leave to report by bill or otherwise.

On motion of Mr. Marshall,

*Resolved*, That the Committee on Agriculture inquire into the expediency of encouraging, by suitable premiums, the production and manufacturing of Silk, Iron, Salt, and Sugar from the Sugar Beat, within this State.

On motion of Mr. Noel,

*Resolved*, That the committee on Military affairs be instructed to inquire whether the public good, and the security of the numerous public arms in this State do not require the establishment of a State Arsenal.

On motion of Mr. Wyman,

*Resolved*, That the Secretary of State be required to report to this House the number of copies of the School law printed and distributed to each county, agreeable to the provision of the 25th section of an act entitled, An act incorporating congressional townships, and providing for public schools therein, approved Feb. 17th, 1837; and the number of extra copies retained by him for future distribution

On motion of Mr. Matson,

*Resolved*, That the Committee on the Judiciary be instructed to report a bill providing that when, in the progress of any cause before a Justice of the Peace, the title to real estate comes in question, the Justice shall certify the cause to the Circuit court.

On motion of Mr. Clymer,

*Resolved*, That the Committee of ways and means be instructed to inquire into the expediency and necessity of so reviving and amending the law granting a bounty on wolf scalps, as to include the prairie wolf; with leave to report by bill or otherwise.

On motion of Mr. Cutter,

*Resolved*, That the committee on judiciary be instructed to inquire into the expediency of so amending the law, as to increase witness's fees, to the same amount as those paid to jurymen, per diem; to report by bill or otherwise.

On motion of Mr. Thompson,

*Resolved*, That the committee on roads be instructed to inquire into the expediency of so amending the law regulating roads and highways, as to require each person made liable to work on the public roads, to pay one dollar for each day's delinquency; with leave to report by bill or otherwise.

On motion of M.. Hunt,

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of improving the navigation of the Missinewa river as high up as Ward's landing, in Randolph county; and report by bill or otherwise.

On motion of Mr. Powell,

*Resolved*, That the committee on military affairs be instructed to enquire into the expediency of reporting a bill to this House, providing for the re-organization of the militia of this state, embracing in part the followin provisions.

1st. That all able bodied, male white citizens, between the ages of eighteen and forty years be enrolled.

2d. The militia thus enrolled, be divided into two corps: those between the ages of thirty and forty-five, to be denominated the sedentary militia; and those between the ages of eighteen and thirty, the active militia.

3d. That liberal provision be made for the encouragement of raising volunteer companies, and such other provisions be incorporated as to insure a prompt and efficient execution of the militia laws.

On motion of Milroy,

This resolution was amended by adding, that the bill on the same subject, which was lost last session, be referred to the same committee.

On motion of Mr. Field,

*Resolved*, That the committee on canals and internal improvements be directed to enquire into the propriety or impropriety of taking under the protection of the state, so much of the road leading from Jeffersonville to Salem, as is now under the control of the Jeffersonville and Salem Turnpike Company, and that the same be finished to Jeffersonville, simultaneously with the road to New-Albany; *Provided* the stockholders of said company shall relinquish their right to said road, together with the amount they have expended thereon; and that they report by bill or otherwise.

Mr. Pettit offered for adoption, the following resolution:

*Resolved*, That the committee on the State Bank be instructed to enquire and report to this House, whether the late suspension of specie payments by the state bank of Indiana through its branches, was the result of previous arrangement, concert or understanding; and that said committee have power to call on the president or any other officer of said bank or branches, to give evidence, or to produce any or all the correspondence, or other papers of said bank and branches.

Which was not adopted.

On motion of Mr. Hubbard,

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of authorizing the Governor to subscribe half the amount of stock (on the part of the state) necessary for the completion of the East Fork canal, leading from Richmond to Brookville, so soon as half the stock necessary for the completion of said canal; shall have been subscribed by individuals.

*Provided, however,* That if said canal should cost more than \$500,000, the Governor shall not be authorized to subscribe on the part of the State more than 250,000.

Mr. Milroy made the following report:

MR. SPEAKER—

The select committee, to whom was referred the petition of sundry citizens of Carroll county in relation to the valuation law, have directed me to report by bill,

No. 57, to amend an act entitled An act, subjecting real and personal estate to execution;

Which was read twice, the rule being suspended, and

On motion of Mr. Cooper,

Laid on the table, and one hundred copies order to be printed.

Mr. Chiles in introduced

Bill No. 58, amendatory to an act authorizing a change of venue in certain cases;

Which was read twice, the rule being suspended, and

On motion of Mr. Johnson of Monroe,

Referred to the committee on the judiciary.

Mr. Allison introduced bill No. 59, to locate a state road in Green county, which was read twice, the rule being suspended, and referred to the committee on roads.

Mr. McClure introduced

Bill No. 60, to extend the time of collecting the revenue of Laporte county;

Which was read three times, the rule being suspended, and passed.

*Ordered,* That the clerk carry it to the Senate and ask their concurrence therein.

Mr. Perine introduced bill,

No. 61, to repeal the 154th section of an act respecting roads and highways.

Mr. Wines introduced bill,

No. 62, declaring a misprint, which were each read and passed to a second reading on to-morrow.

The House went into the orders of the day, and took up bills on their third reading.

No. 38, for the relief of owners of certain lands and town-lots in the county Clinton; which was

On motion of Mr. Bryce,

Amended by inserting Montgomery county and Boon county; further amended,

On motion of Mr. Gregory,

By including Warren county, and as amended, passed.

*Ordered,* That the clerk carry it to the Senate, and ask their concurrence therein.

No. 37, joint resolution concerning the State library.

No. 6, of the Senate, declaring a certain name a misprint.

No. 7, of the House, declaring a misprint.

No. 10, for the relief of Aaron Rawlings.

No. 15, to repeal part of act entitled an act in regard to opening roads and highways, so far as the counties of Lawrence, Green and Owen are concerned.

No. 6, amendatory to An act entitled an act, amendatory to an act establishing a general system of internal improvements.

No. 4, of the Senate, to amend an act incorporating the town of Princeton.

No. 17, of the Senate, to amend an act entitled an act "to regulate the mode of doing county business in this State."

No. 24, of the House, to authorise the sale of certain school lands in Sullivan county.

No. 25, To regulate the time of holding probate courts in Posey county.

No. 26, To provide for the election of an additional justice of the peace in Shelby county.

No. 29; To vacate a part of the town of Milford in Kosciusko county.

No. 32, Granting the right of way to Illinois, to connect their Northern Cross Railroad with the Wabash and Erie canal at Perryville.

No. 33, To amend an act entitled an act "to incorporate the Crawfordsville and Williamsport Turnpike company."

No. 35, To provide for the clearing out of Pride's creek in Pike county.

No. 38, To provide a more uniform mode of doing township business in Randolph county—

Were severally read a third time and passed.

Ordered, that the clerk carry those of the House to the Senate, and ask their concurrence therein.

On motion,

The House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

House met pursuant to adjournment, and proceeded to the orders of the day.

Bills on their second reading.

No. 29, Respecting roads in Park county.

No. 30, Authorizing Samuel L. Omsted to build a mill-dam across Pigeon creek.

No. 36, To authorize the Board of Internal Improvements to construct a toe-path in Clay county.

No. 39, Appointing Isaac Colman a commissioner to make deeds for town lots in the town of Attica, on the part of the heirs of Hollingsworth.

No. 40, To locate a State road from Winchester to Bluffton.

No. 41, Joint resolution in regard to the journals of the House and for other purposes.

No. 44, For the relief of John Shelley.

No. 45, To change the mode of doing the county business in Hendricks county.

No. 46, To amend an act entitled An act regulating the mode of doing county business in the several counties in this State.

No. 50, To change the mode of doing county business in Spencer county.

No. 53, To provide for the improvement of Little Racoon creek in Park county,

Were severally read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Bryce asked and obtained leave to introduce a joint resolution,

No. 63, To correct an error in the general appropriation bill of last session,

Which was read,

And passed to a second reading on to-morrow.

Bill No. 43, To amend an act entitled an act regulating county boundaries,

Was read a second time and referred to a select committee of Messrs. Mason, Morgan, Alley, and Willey.

No. 45, To provide for the election of collectors of the State and county revenue,

Was read a second time, and

On motion of Mr. Hubbard,

Referred to the committee of Ways and Means.

No. 49, To amend the second section of the act relative to crime and punishment,

Was read a second time, and

On motion of Mr. Judah,

Referred to the committee on the Judiciary.

No. 51, To provide for the erection of bridges,

Was read a second time, and

On motion of Mr. McCarty,

Referred to the committee on Canals and Internal Improvement.

No. 52, To amend an act entitled An act for the prevention of frauds and perjuries.

Was read a second time, and

On motion of Mr. Cooper,

Referred to the committee on the Judiciary.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House, No. 12, entitled,

An act to extend the time for the collection of the State revenue of St. Joseph county, with an amendment, in which the concurrence of the House is respectfully requested.

Also the Senate has passed engrossed bills thereof entitled,

No. 9, An act making allowance to John Course for services in applying a part of the 3 per cent. fund in Fountain county,

No. 10, An act to amend the act entitled An act to amend an act to incorporate the Perry county seminary,

In which bills of the Senate the concurrence of the House is also respectfully requested.

On motion, the House concurred in the amendment of the Senate made to

No. 12, in said message mentioned.

Nos. 9 and 10, were each read and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER :—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House of Representatives, No. 3, entitled

An act to regulate the jurisdiction of Justices of the Peace in the county of Bartholomew, without amendment.

Also, the Senate has passed an engrossed bill thereof, No. 4, entitled

An act to incorporate a steam mill company in the town of Paris.

In which the concurrence of the House is respectfully requested.

No. 4, above mentioned, was read and passed to a second reading on to-morrow.

On motion, the House adjourned until to-morrow morning, 9 o'clock.

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## MONDAY, DECEMBER 17, 1838.

The House met pursuant to adjournment.

On motion of Mr. Bryce,

The door keeper was directed to furnish the speaker with a suitable chair.

The speaker laid before the House a communication from John B. Chapman,

Which was read, and

On motion of Mr. Judah, referred to a select committee of Messrs. Judah, Milroy, Bryce, Thompson, Egbert, and M'Clure.

On motion of Mr. M'Clure,

The petition heretofore offered in regard to the location of the seat

of justice of Lake county, and laid on the table, was taken up and referred to a select committee of Messrs. McClure, Cline, and Herri-man.

Mr. Dumont presented the petition of O. Bailey and others, praying an act to be passed authorizing the laying out of a portion of the 3 per cent. fund on a certain road therein named,

Which was referred to a select committee of Messrs. Dumont, Eggleston, Arnold, and Conaway.

Leave of absence was granted to Mr. McCormick.

Mr. Hubbard, from the committee on ways and means made the following report:

MR. SPEAKER—

The committee of ways and means to which was referred a resolution inquiring into the expediency of reviving the law giving a premium on wolf scalps.

Also, a resolution inquiring into the expediency of so amending the law in regard to animals trespassing or going estray, so as to dispense with the selling of the same at public auction after one year, and vesting the property in the taker up, he being responsible to the owner after one year for the amount of the appraisment; have had the same under consideration, and have directed me to report, that it is inexpedient to legislate on the subjects embraced in the resolutions at this time.

Which report was,

On motion of Mr. Hanna, laid on the table.

Mr. Peaslee from the select committee to which was referred divers petitions on the subject of the Michigan road, made a lengthy report, as follows:

MR. SPEAKER—

The committee to whom was referred the petition of John B. Dillon, et. als. on the subject of improving the Michigan road, have had that subject under consideration, and have directed me to make the following

## REPORT:

Your committee believe the Michigan road, in point of importance to the citizens of the state, to be second to none, passing as it does from the Ohio river to Lake Michigan, a distance of more than two hundred miles, through the counties of Jefferson, Ripley, Decatur, Shelby, Marion, Hamilton, Boone, Clinton, Carroll, Cass, Fulton, Marshall, St. Joseph, and Laporte, 14 in number, among the most populous and productive counties of the state; and when it is considered that the people of the counties of Lake, Porter, Newton, Stark, Jasper, White, Tippecanoe, Pulaski, Elkhart, Kosciusko, Lagrange, Whitley, Noble,

Steuben, De Kalb, Allen, Huntington, Wabash, Miami, Dearborn, and Switzerland, in going to and returning from the capital of the state, travel this road, we cannot for a moment permit ourselves to believe that the improvement of this great thoroughfare, over which the people of thirty-five counties travel, is undeserving of the attention and aid of the state, and more especially when it is considered that this road was one of the first public works undertaken by the state, then and now the only direct thoroughfare connecting Lake Michigan with the Ohio river, and the fact that Congress donated more than two hundred sections of land to aid the state in the construction of the road, can any one for a moment believe that the state will now, after expending several hundred thousand dollars on the road, abandon it and suffer it to become impassable and useless, for the want of the expenditure of a few hundred thousand dollars more, which would make a good and permanent way of the worst portions of the road: thus making the whole passable and useful at all times of the year.

Is it probable that Congress, (if this road were of a local character, a mere state road in name only,) would have given a fourth of a million of dollars worth of land to aid in its construction? Had this road been calculated to accommodate the people of a county or two, or even of a state *only*, would Congress have donated the lands? The committee think not. We are constrained to believe that Congress viewed the opening of a great thoroughfare from the Ohio river to Lake Michigan not only of great importance to the *State*, but to the *whole Union*. It most certainly would be so, in the event of a war with Great Britain. Is not the faith of a state, (by accepting of the land donated to aid in the construction of the road and selling it) impliedly pledged to the General Government to finish the road and keep in suitable repair, to answer the purpose for which it was intended. If the state, after receiving from Congress more than two hundred thousand dollars worth of land to aid in making the road, should fail to complete, or after completing, should fail to keep the road in repair, and suffer it to become useless and impassable, would she, on her part, in good faith, comply with her contract according to its true intent and meaning? We think not. Congress donated to the state a quantity of land to aid in the construction of a canal to unite the navigable waters of the Wabash river with Lake Erie, upon the express condition that the state would commence and complete the canal within a certain time and allow the United States certain privileges. That the faith of the state is virtually pledged not only to complete the canal within the time specified, but to keep it in repair, we presume no one will attempt to controvert. The committee are unable to perceive in principle any difference as to the implied faith of the state being pledged to Congress to complete and keep in repair, the Wabash and Erie canal and the Michigan road. In both cases Congress donated land to aid in the construction of the works; in neither case would Congress have done so if they had known that the state would, after having expended the proceeds of the lands donated, have refused or neglected to complete them, or after having completed them,

permit them to become useless for the want of repair. But supposing the state to be under no obligation either expressed or implied, to keep the road in repair, have the citizens of the fourteen counties through which the road passes, and citizens of twenty-one counties, in all thirty-five counties, the people of which travel the road in going to and returning from the capital of the state, and paying about one-third of the state revenue, most of which counties have little or no direct interest in public works for the construction of which they, in common with other citizens of the state, freely contribute their aid, no just claim to participate in the benefits of the public improvements. The committee cannot believe that by expending the sum of three hundred thousand dollars upon this road, with the privilege of collecting *tolls*, would in the least increase the public burden. The state can surely realize from tolls on this road, a sufficient amount of money to pay the interest on the money that she shall hereafter expend in improving the road; and believing, as we do, that the faith of the state is virtually pledged; that it is the interest of the state, that the people of thirty-five counties have a direct interest in its improvement, that this House will always be found ready and willing to sustain the honor and interest and preserve the faith of the state, and to deal justly and liberally with all, and especially with so great a portion of the counties. The foregoing considerations *all* conspire to assure the committee that the improvement of the Michigan road will no longer be delayed, and that the bill herewith reported will receive the cordial support of this House. PEASLEE.

Accompanying which was a bill, No. 54, for the improvement of the Michigan road north of Napoleon,

Which was read twice, the rules being suspended, and

On motion of Mr. Boon, laid on the table.

On motion of Mr. Milroy,

Two hundred copies of the bill and a like number of the report were ordered to be printed.

Mr. Cooper, from a select committee for that purpose appointed made the following report:

MR. SPEAKER—

The select committee on the petition of Green T. Simpson and others, and also a similar petition from W. G. Anderson and others, which was referred to the same committee, praying the Legislature to have a certain portion of the laws of Indiana translated into the German language, for the benefit of the German population of the State of Indiana. The committee have had that subject under consideration, and knowing that a respectable portion of our population use the German language, and that they are unacquainted with the English language, and their habits of industry and their willingness to support the Constitution and laws of our state, and all of our institutions, enforces the committee to regard and give their petitions some consideration; but the committee not being fully apprised of the cost of translating our

laws into the German language, and being apprised of the great demands upon our treasury at present, the committee therefore ask leave to have this report with the petitions referred to the committee on ways and means for them to dispose of it as they deem expedient, and the committee ask leave to be discharged.

The House concurred in said report, and the committee were discharged.

Mr. Hurst, from a select committee made the following report:

**MR. SPEAKER—**

The committee to whom was referred the petition of Lawrence Wood and others, praying that so much of the town of Lebanon in Jackson county, as is known by Nancy Woods and Lawrence Woods's addition thereto; have had the same under consideration and directed me to report a bill, No. 55, to vacate a part of the town of Lebanon, in Jackson county,

Which was read twice, the rules being suspended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Jones made the following report:

**MR. SPEAKER—**

The select committee to whom was referred a resolution relative to the construction of a road from Rockport via Jasper to Washington in Daviess county, have ordered me to report a bill, No. 56, to construct a road from Rockport via Jasper to Washington in Daviess county,

Which was read, and passed to a second reading on to-morrow.

On motion of Mr. Stewart,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the law concerning tenants holding over so as to only require one week's notice to dispossess tenants who rent by the month, and of shortening the time of notice generally.

On motion of Mr. Thompson,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the law subjecting real and personal property to execution, as to require property sold on execution to bring two-thirds of its value.

On motion of Mr. Albertson,

*Resolved*, That the committee on canals and internal improvement be instructed to inquire into the expediency of dispensing with the services of a Principal Engineer of the State.

On motion of Mr. Cotton of S.,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the judiciary law as to empower Circuit Judges to appoint a Prosecutor in each county within their respective Circuits; and also, to provide by law for a reasonable compensation for their services.

On motion of Mr. Devin,

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the law regulating Congressional schools, as to repeal said act, making it the duty of the citizens to elect Township Trustees, also the Trustees of districts, and make it the duty of school commissioners to appoint township trustees, and said Trustees to appoint District Trustees, and report by bill or otherwise.

On motion of Mr. Matson,

*Resolved*, That the committee on the State Library be instructed to inquire into the expediency of adopting measures to perpetuate, by manuscripts, to be deposited in the State Library, or by other means, interesting facts in relation to the early settlement of Indiana, and the social, commercial, political, and military history of those times up to the adoption of the Constitution of the State.

On motion of Mr. Cutter,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the laws of this State as to exempt mechanics' tools from execution; and to report by bill or otherwise.

On motion of Mr. Dumont,

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of so amending the law in regard to constables and sheriff, that in all criminal cases which do not result in a conviction, in which they have performed services, they shall be allowed the same fees as are now allowed by law, in cases of a conviction, to be allowed them by the Board doing county business, out of the county Treasury; and that they report by bill or otherwise.

On motion of Mr. Cooper,

*Resolved*, That the Committee on Judiciary be instructed to inquire into the expediency of so amending the laws as to subject real estate held by equitable title to execution, always subject to the vender's lien; with leave to report by bill or otherwise.

On motion of Mr. Rose,

*Resolved*, That the Committee on Education be instructed to inquire into the expediency of so amending the act relating to county Seminaries, approved Feb. 17th, 1838, as to make it not necessary that a majority of the voters in the counties should vote for Seminary Trustees, in order to constitute an election, but that those persons having the greatest number of votes given for trustees, shall be declared duly elected; and report by bill or otherwise.

On motion of Mr. Milroy,

*Resolved*, That the members of the State Board of Internal Improvement be requested severally to report to this House the amount of expenditure on the several works under their respective charges, the past season, up to the meeting of the State Board at its present session; setting forth in tabular form or otherwise, so as to bring into one view, the amount paid for labor done on the several works, and the amount paid for contingencies, specifying the sums paid as compensation to commissioner, resident Engineer, sub-Engineers, and assistants of every

class, with the amount paid for clerk hire, and, office rent, (if any,) also, the amount paid for materials furnished of every description, with the contingent expenses connected with the delivery of the same. And the aggregate of each class of expenditure, designating that expended for labor, that for contingencies, and that for materials furnished; with the names of those to whom the payments of every class were made, and the date of payment,

And that the Clerk of this House be directed to transmit a copy of the above resolution to the Board of Internal Improvements.

On motion of Mr. Milroy.

*Resolved*, That the Board of Internal Improvement be requested to report to this House, their opinion, whether or not the Board may not, without injury to the State, be reduced as to the number of its members; also, their opinion, as to what legislation would become necessary prescribing the duties of the Board, (if it be reorganized and reduced to five, or to three members, so as to preserve its efficiency, and do away the representative principle, so objectionable in the present organization of the Board.

Also report to this House, what legislation is necessary regulating the duty of resident Engineer, so as to ensure correct and uniform estimates of monthly labor done by contractors.

*Resolved*, further, that the Board be requested to report to this House, which of the public works connected with the system of Internal Improvement, "having due regard to economy and the most early collection of tolls," the interest of the State would require to be completed first; and which of them (having the same objects in view) can, with the least possible injury, be postponed for the present.

And the Clerk of this House is requested to transmit a copy of the above resolution to the Board of Internal Improvement.

On motion of Mr. Puett,

*Resolved*, That the committee on Canals and Internal Improvements, be instructed to inquire into the expediency of passing a law, making it the duty of the acting Commissioner upon the Wabash and Erie canal, to cause to be removed all the snags, logs and drift which is calculated to obstruct the navigation of the Wabash river, from its junction with the Ohio river to Lafayette, or so far up said river as the same can be improved.

On motion of Mr. Morgan,

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of so amending the law allowing a change of venue in criminal cases, as to make the county from which the change may be taken liable for all costs that such county would have been bound to pay, if no such change had been taken.

Mr. Mason introduced joint resolution

No. 41, in regard to the journals of the House and other purposes;

Which was read and passed to a second reading on Monday.

Mr. Cutter introduced bill

No. 42, to abolish imprisonment for debt,

Which was read twice, the rules of the House being dispensed with,  
And, on motion, referred to the committee on the Judiciary.

Mr. Alley introduced bill

No. 43, to amend an act entitled An act relative to county boundaries.

Mr. Periné

No. 44, for the relief of John Shelley.

Mr. Brenton,

No. 45, to change the mode of doing county business in Hendricks county.

Mr. Johnson of Monroe,

No. 46, to amend an act entitled An act to regulate the mode of doing county business in this State;

Which were severally read, and passed to a second reading on Monday.

Mr. Field introduced bill

No. 47, to Incorporate the town of Jeffersonville,

Which was read twice, and,

On motion of Mr. Hurst, referred to the committee on Corporations.

Mr. Monroe introduced bill

No. 48, to provide for the collection of the state and county revenue of this State.

Mr. McClure, bill

No. 49, to amend the second section of an act relative to crime and punishment, approved Feb. 10, 1831.

Mr. Jones, bill

No. 50, to change the mode of electing county commissioners in Spencer county.

M. McCarty, bill

No. 51, for the erection of Bridges, &c.

Mr. Thompson, bill

No. 52, to amend an act entitled an act to prevent frauds and perjuries.

Mr. Noel, bill

No. 53, for the improvement of Little Raccoon, in Park county,

Which were severally read and passed to a second reading on Monday.

On motion,

The House adjourned until Tuesday morning 9 o'clock.

TUESDAY, DECEMBER 18, 1838.

The House met pursuant to adjournment.

Mr. Powell presented the petition of sundry citizens of Decatur and Shelby counties, on the subject of the Michigan road,

Which was laid on the table without reading.

Mr. Mason presented the petition of William W. Wilson, praying an act to be passed, granting him a divorce,

Which was read and referred to a select committee of Messrs. Mason, Kilgore, Willey and Hanna.

Mr. Wilson of M., presented the petition of A. T. Welton and others, praying for the location of a State road through the counties of Cass, Miami, Fulton and Kosciusco;

Which was read and referred to a select committee of Messrs. Wilson of M., Eldridge and Perine.

Mr. Devin introduced the petition of Charles Fullerton,

Which was read and referred to the committee on the Judiciary.

Mr. Glass presented the petition of Asa Gookins and others, praying an act to be passed declaring part of Laughrey creek navigable;

Which was read and referred to the committee on Roads.

Mr. Bryant presented the petition of Joel Bretts and others, praying an act for the election of a Justice of the Peace in Ladoga, Montgomery county;

Which was read and referred to a select committee of Messrs. Bryant, Bryce and Judah.

Mr. Cline presented the petition of the citizens of Lake and Porter counties, for the relief of settlers upon lands selected by the Governor, for canal purposes,

Which was read and referred to a select committee of Messrs. Cline, McClure, Kenton, Perine and Owen.

Mr. Judah, from the committee on the Judiciary, made the following report:

MR. SPEAKER:—

The committee on the Judiciary, according to order, have had under consideration the constitutionality of the 3d and 4th sections of the Act to suppress professional gambling, approved Feb. 17, 1838.

Some importance has been given to the doubts entertained by some persons on this subject, by an announcement in the newspapers, that one of the President Judges of this State, in a charge lately given to a grand jury, expressed his opinion that this act was not constitutional.

The authorities have been examined, and the opinion of the committee is settled, that beyond all doubt this law is constitutional.

The 3d section provides that persons who may have been interested, or a party, aider, or abetter, shall be competent witnesses; that such

testimony shall not criminate the witness who gives it, but that he shall be exonerated thereby from all punishment for that particular offence. And the 4th section provides for the punishment as for a contempt, of such persons as may refuse to testify.

It is presumed that the constitutional provision supposed to apply to this law, is contained in the 13th section of the 1st article, that no person shall be compelled to give evidence against himself.

This is a principle of the common law incorporated in the constitution of most states in our Union. It is in direct opposition to the rules of the civil law, which the nations of continental Europe have adopted, and by which the party accused was subject to private examination, and even to the torture. At this day, in France itself, the most civilized of those nations, the accused person is examined; and his examination is submitted to the jury. We are willing to give the utmost extent to the constitutional provision; to construe it as extensive with the liberal rule of our law, that no witness shall be compelled to answer any question, the answer to which would subject him to penalties, or to a criminal charge; and the subject for consideration is this: when a person, party, aider, or abettor in professional gambling is called as a witness against his associate, will his testimony subject him to penalties or to a criminal charge? We answer that it will not. The statute itself expressly exonerates him, as against him all liability is removed, and all crime is annulled. In the *United States vs. Smith*, 4 Day's Rep. 123, a *paeticeps criminis*, protected from prosecution by the statute of limitations, was compelled to testify. In the state of New York, the constitution, art. 7, section 7, contains the same provision that we have. The legislature of that state, in the act to prevent duelling, 2d Revised Statute, 1829, page 686, provided, that any person offending, should be a competent witness, and be compelled to answer against any other offender; and that thereby he should be exonerated himself. The validity of this law has not been questioned in that state. It may be added, that in most states having usury laws, there is an enactment of the same nature.

It has been said, that although the Statute will operate to discharge the witness from liability, he would nevertheless subject himself by his own testimony to disgrace, to the odium annexed by public opinion to gambling. It is believed that the common opinions on the subject have been induced by a loose expression of the rule of our law, that a witness shall not be compelled to answer a question; the answer to which would shew that he had been convicted of any species of the *crimen falsi*. There are many offences punishable by indictment, which are not infamous. It is the nature of the act, not the nature of the punishment, which gives character to the offence. Gaming was not an offence at common law. In England gaming contracts were not avoided until the Statute 9 Anne, ch. 14. Some sorts of wagers have been always recognised as valid in the English courts, and in the courts of some of our States. It is our Statutes which make gaming an offence; but those Statutes have not declared it an infamous

offence. It is confidently believed that no judge or lawyer can shew that gaming is an infamous crime, either at common law or by Statutes.

In conclusion, the committee observe, that they sincerely lament that any judge should have been found so incautious as to assume to himself the determination of a Constitutional question, in a charge to a Grand Jury. It was an assumption for which no precedent can be found, and which all prudent men will discountenance.

SAML. JUDAH, Ch'm.

And before any action had thereon, the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment,

And proceeded to consider said report.

Mr. Owen moved that the House refuse to concur in that part of the report which refers to an opinion of a President Judge of Indiana. On which the ayes and noes were called for by Messrs. Judah and Owen.

*Those who voted in the affirmative were*

Messrs. Albertson, Allison, Blair, Bowles, Brenton, Bryce, Champer, Chapman, Cline, Clymer, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dole, Dumont, Earl, Eggleston, Eldridge, Flint, Glass, Graham, Gregory, Helmer, Jackson, Johnson of Monroe, Jones, Lane, Lewis, Marshall, Mason, McClure, McNary, Morrow, Noel, Owen, Proffitt, Reynolds, Rose, Rush, Sands, Smydth, Stewart, Trulock, Williams, Wilson of H., Wilson of M., Wines and Mr. Speaker—50.

*Those who voted in the negative were*

Messrs. Alley, Arnold, Baker, Boon, Bright, Brown, Bryant, Carr of J., Carr of L., Cogswell, Coper, Egbert, Field, Hanna, Healey, Hendricks, Herriman, Hubbard, Hunt, Hurst, Johnson of Marion, Judah, Kilgore, Lee, Major, Matson, M'Carty, Milroy, Monroe, Morgan, Nelson, Parker, Peaslee, Perine, Pettit, Powell, Puett, Riley, Spann, Terrell, Thompson, Townsend, Willey and Wyman—44.

So said motion prevailed.

The question then recurred, on concurring in the balance of said report.

And it was concurred in by consent.

Mr. Peaslee, from the same committee, made the following report:

**MR. SPEAKER:—**

The committee on the judiciary to whom was referred a bill to provide for the appointment of a prosecuting Attorney in each county in this State, and an Attorney General, have had the same under consideration, and have directed me to report said bill back to the House without amendment.

No. 20 to provide for the appointment of a Prosecuting Attorney in each county, and an Attorney General.

Which was read. And, on motion of Mr. Boon, laid on the table.  
Mr. Noel, from the committee on enrolled bills, made the following report:

MR. SPEAKER:—

The joint committee on enrolled bills reports that they have this day compared the engrossed with the following enrolled bills, viz:

No. 3, entitled An act to regulate the jurisdiction of Justices of the Peace in the county of Bartholomew, and

No. 12, entitled An act to extend the farther collection of the State revenue of St. Joseph County, and find the same correctly enrolled.

Wherefore the Speaker signed the same.

Ordered, that the Clerk carry them to the Senate for the signature of the President.

Leave was granted to Mr. Bryce to introduce bill

No. 64, to grant the right of way to Illinois, to intersect their Northern Cross railroad with the Wabash and Erie canal at Covington;

Which was read, and passed to a second reading on to-morrow.

Mr. Kilgore made the following report from a select committee.

MR. SPEAKER—

The select committee to whom was referred a bill for the formation of the tenth judicial circuit; and also a resolution requiring them to equalize the several judicial circuits in the state, and to form such a number of new circuits as the wants of the people and the interest of the state require, have had the various subjects under consideration, and have directed me report said bill to the House, with an amendment which embraces the subject of instruction contained in said resolution, which is respectfully submitted.

Bill No. 1, for the formation of the tenth judicial circuit;

And before any action thereon,

The House adjourned until to-morrow morning, 9 o'clock.

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WEDNESDAY, DECEMBER 19, 1858.

House met pursuant to adjournment.

The Speaker laid before the House the following report:

The report of the Auditor of Public Accounts; which was,

On motion of Mr. Hubbard,

Referred to the committee of ways and means and one thousand copies ordered to be printed.

The report of the Fund Commissioners; which was read, and

On motion of Mr. Judah,

Laid on the table and one thousand copies ordered to be printed.

The report of the State Geologist; which was,

On motion of Mr. Gregory, laid on the table, and,

On motion of Mr. Marshall,

Two thousand copies were ordered to be printed; and fifteen hundred of last year's report were also ordered to be printed.

Mr. Judah presented a communication from J. D. Hay;

Which was referred to the committee on agriculture.

Also the petition of Joseph Chambers and others, praying an act to be passed authorizing a re-survey of a part of the Central canal;

Which was referred to the committee on canals and internal improvements, without reading.

Mr. Arnold presented the petition of George Arnold and others, praying for a change in a certain state road therein named;

Which was read and referred to a select committee of Messrs. Arnold, Dumont, Conaway and Eggleston.

Mr. Proffitt presented the petition of James McElwain and others praying an act to be passed for the relief of \_\_\_\_\_;

Which was referred to a select committee, consisting of Messrs. Proffitt, Flint, and Graham.

Mr. Marshall from the committee on canals and internal improvements, made the following report:

**MR. SPEAKER—**

The committee on canals and internal improvements, to which was referred so much of the Governor's message as has reference to the present system of internal improvements, have had that subject under consideration, and have directed me to report on that part of said message, recommending an additional appropriation on the Madison and Lafayette railroad, the following bill:

No. 65, providing for the further construction of the Madison and Lafayette Railroad;

Which was read, and passed to a second reading on to-morrow.

Mr. Milroy from the same committee, made the following report:

**MR. SPEAKER—**

The committee on canals and internal improvements, to whom was referred a resolution directing an inquiry into the expediency of authorizing the acting commissioner on the several public works to provide medical aid, and care and attendance in sickness for laborers on the public works, have had the same under consideration, and directed me to report a bill:

No. 66, to provide medical aid, care and medicine for laborers on the public works;

Which was read, and passed to a second reading on to-morrow.

Mr. Thompson, from the same committee, made the following report:

MR. SPEAKER—

The committee on canals and internal improvements, to whom was referred a resolution of the House, No. 10, directing said committee to inquire into the expediency of constructing a tow-path from the St. Joseph's feeder dam to Cedarville, have had the same under consideration, and have directed me to report the following bill:

No. 67, to provide for the construction of a tow-path from St. Joseph's feeder dam to Cedarville;

Which was read, and passed to a second reading on to-morrow.

Mr. Proffitt made the following report:

MR. SPEAKER—

The committee on canals and internal improvements, to which was referred so much of the Governor's message as refers to the Michigan road, has instructed me to report, that in the opinion of the committee, the recommendation of his Excellency should be favorably received by the legislature;

Which was concurred in by the House.

Mr. Proffitt made the following report:

MR. SPEAKER:—

The committee of canals and internal improvements, to which was referred a resolution on the subject of a side-cut canal to connect the Wabash and Erie canal with the Wabash river opposite the town of Clinton, has instructed me to report a bill,

No. 68, relative to a side-cut canal opposite the town of Clinton.

Which was read and passed to a second reading on to-morrow.

Bill, No. 1, for the formation of the tenth Judicial Circuit,

Was read a second time, and on motion of Mr. Hubbard, laid on the table.

Mr. Bryant, from a select committee, made the following report:

MR. SPEAKER:—

The select committee to whom was referred the petition of sundry citizens of Clark township, in Montgomery county, praying an additional Justice of the Peace in said township, have directed me, to report a bill in conformity with their prayer, which bill is accordingly submitted, with a provision therein contained for an additional Justice of the peace in Knox county.

No. 69, to authorize the election of an additional Justice of the Peace in Montgomery and Knox county.

Which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Cogswell made the following report:

MR. SPEAKER:—

The select committee, to whom was referred the petition of H. M. Clark and others, have, considered the same, and directed me to report,

Bill, No. 60, to repeal an act, entitled An act to attach part of town 19, N. R. 4 E. to town 19, N. R. 5 east and for other purposes,

Which was read, and passed to a second reading on to-morrow.

Mr. Willey made the following report:

MR. SPEAKER:—

The select committee, to whom was referred the petition of Mary Jane Peck, have had the same under consideration and directed me to report by bill

No. 71, for the relief of Mary Jane Peck, which was read and passed to a second reading on to-morrow.

Mr. Brenton made the following report:

MR. SPEAKER:—

The select committee to whom was referred a resolution of the House, instructing them to inquire into the expediency of providing by law for the repairs and preservation of the Cumberland road within the limits of this State, have had that subject under consideration and directed me to report bill

No. 72, to prevent the obstruction and injury of the Cumberland road.

Which was read and passed to a second reading on to-morrow.

Mr. Terrell made the following report:

MR. SPEAKER:—

The committee to whom was referred the petition of Ransom Perry and others; praying for a law to change the mode of doing county business in Bartholomew county, have had the same under consideration, and have directed me to report bill

No. 73, to change the mode of doing county business in Bartholomew county, and for other purposes;

Which was read and passed to a second reading on to-morrow.

Mr. Cotton of S., from the committee for that purpose, made the following report:

MR. SPEAKER:—

The select committee, to which was referred so much of the Governor's message, as relates to the subject of a continuation of the Ge-

ological Survey of the State of Indiana; also, the annual report of the State Geologist, and sundry other resolutions with the same subject connected,

## R E P O R T

That, in view of the very great expenditures which the State has made, and is still bound to make, in prosecuting her system of internal improvements, her finances do not seem to your committee, to justify any public expenditure for matters of mere curious research or abstract scientific inquiry, however laudable these objects are, when time and funds are to spare for the purpose. Your committee, therefore, are of opinion, that it is inexpedient at the present time to prosecute such survey, except with a view to actual and speedy returns to the State for the amount required to be expended in its prosecution.

In examining the question whether such a survey would or would not be profitable in a pecuniary point of view, we ought to inquire, what probable mineral sources of wealth Indiana affords; whether these have been sufficiently explored, so as to ascertain if they are of such a quality that they can be safely and profitably worked; and what has been the course pursued by other States, especially by those older and more experienced than Indiana, in regard to this matter; together with the results heretofore obtained by those States.

The report of the State Geologist expresses the opinion, and furnishes sufficient proof of its correctness, that Indiana, though she be now chiefly supplied with the two staples of iron and salt from other States, has within her own territory amply sufficient supplies of both, not only to satisfy her own wants, but to export, if required, to neighboring States. It demands but the application of capital and enterprise to prove this fact in practice. The only reasonable hope of inducing capitalists from other States to commence in Indiana, those large manufacturing establishments, which have resulted in sources of wealth and prosperity wherever they have sprung up, is to be found in the publication in official form, after careful scientific examinations, of the nature and quality of the iron ore and salt brine to be obtained in different parts of our State; together with a strict analysis, showing the grounds for the opinion, that they will richly repay the capitalist who shall work them. With less security than this, we cannot expect men of enterprise and capital to emigrate speedily or in numbers to Indiana, with the intention of establishing here manufactories of iron or of sinking salt wells.

Hence, the great importance of distributing over the Union, annual reports on this subject, made by some accredited officer of scientific reputation, in order to attract the attention of those who are possessed of spare capital, and are looking around for an opportunity of safely and profitably investing it.

It is difficult to estimate the advantages which may accrue to Indiana

from this source; the increase to her taxable property; the independence of supplies from other states; the balance of trade thus obtained in her favor, and the spirit of improvement and of productive enterprise that may be rapidly awakened throughout her yet unimproved domain.

Already the researches and opinions of the State Geologist have encouraged the establishment of one extensive manufacturing company, and have stimulated several gentlemen who are sinking salt wells, to persevere in their efforts. Had a sufficient number of his first report been published and widely circulated, the effect might have been yet greater, both within the state and beyond its bounds.

Other and important considerations occur, in addition to those just set forth. Our coal beds are rich and extensive; and every year, as the forest gradually disappears under the axe of the settler, these become of greater importance. A report in regard to their location, their comparative extent and richness, may cause the settlement and improvement of many portions of our state that are still in a state of nature and unproductive.

Again: in many parts of Indiana, good limestone appearing on the surface is scarce, and the settlers are at present in the habit of hauling it many many miles and at great expense. The report of the Geologist informs us, that, guided by scientific analogy, he has discovered and pointed out to the inhabitants in various counties, hidden quarries of excellent limestone which they have overlooked; thus saving to them unnecessary labor and expense.

In other counties he noticed and pointed out to the citizens, beds of marl, and explained to them the great benefits to light, sandy soils, which have been elsewhere obtained, by employing that substance for their improvement.

But another consideration yet remains to be noticed, of more immediate pecuniary importance, probably, than those just alluded to. We are extensively engaged in constructing McAdamized roads, to be metalled at great expense; and our canals are, in many situations, to be furnished with stone locks. The rock necessary for these purposes, is often required to be conveyed many miles. For the locks now in progress within the town of Indianapolis, it has been hauled from Putnam county, a distance of at least forty miles. Every one acquainted with the cost of hauling over such roads as are usually found in our state, must be aware how much this increases the expense. The hauling of a single block to the locks referred to, costs from twelve to fifteen dollars. Yet there has been no opportunity of instituting geological examinations, to ascertain whether a portion of this heavy expense may not be saved. If such examinations should disclose to us the fact, as they might, that good rock can be had within half the distance, one single discovery of the kind would save the salary and expenses of the geologist, several times over.

Your committee might proceed to mention other matters of inquiry touched upon in the reports of the geologist, that are neither uninteresting nor unproductive; such as the analysis of salubrious mineral

wells, the discovery of suitable pottery clays, water limes, burr-stones, whet-stones, and various other lucrative articles of commerce; but it would too much swell this report to allude to these in detail.

Your committee, therefore, proceed to pass briefly in review, what has been done by other states in regard to this matter.

Most of the states comprising this Union, have made larger or smaller appropriations for this purpose. Maryland passed in 1833, a bill for a geological survey of the State, appropriating five thousand dollars annually for two years. The law was revived in 1835, with the annual appropriation; so that Maryland continues to apply to that object, five thousand dollars a year, until her survey shall be completed.

New Jersey and Massachusetts, both of which states had previously provided for a thorough geological examination of their respective territories, passed for last year, an additional appropriation, each of two thousand dollars.

The commonwealth of Massachusetts not only provided, at great expense, for a complete survey of her territory within the bounds of the state, but also passed a separate bill (in March, 1836) for a geological survey of the commonwealth's lands in Maine, with a view to ascertain and increase their value; and gave the Governor unlimited powers as to the amount to be expended for that object.

In Pennsylvania, by a law of March, 1836, a geological survey of the State was undertaken. A geologist and two assistants were appointed and an appropriation made for the object, of *thirty-two thousand dollars*, to be expended in the course of five years.

New York passed a law, in April, 1836, for a geological survey of her territory, and appropriated for that object the sum of *one hundred and four thousand dollars*; namely, twenty-six thousand a year for four successive years.

Prudent, economical Ohio passed a law, in March, 1837, for a geological survey, and appropriated *twelve thousand dollars*, to defray the expenses of the same.

Tennessee has established a permanent office of State Geologist, with a regular annual salary.

Even Michigan, but just admitted among the States of the Union, passed, in February of last year, a bill for a geological survey, with an appropriation amounting in all to twenty nine thousand dollars; namely, \$3,000 for the year 1837; \$6,000 for the present year, 1838; \$8,000 for the year 1839; and \$12,000 for the year 1840.

Your committee deem it unnecessary to pursue this part of the inquiry farther, except to add, that it is expected that the States of Kentucky and Illinois, which have hitherto neglected this matter, will take it up this session, and act upon it in their respective Legislatures.

As to the annual expense of the survey, as hitherto conducted, namely, seventeen hundred and fifty dollars, including all contingent expenses, your committee think it small, both compared to the probable pecuniary advantages to the State and to the salaries paid to Ge-

ologists in other States. Divided among the 89,000 taxable polls of Indiana, it is not quite two cents a year from each; not quite the difference between a ten cent and a twelve and a half cent piece. In other States, the Salary of a State Geologist is commonly from two thousand to three thousand dollars a year, often without including contingent expenses. One reason given for these high salaries, is the expense which the geologist necessarily incurs, not only in travelling and for manual aid in his operations, but also in purchasing expensive apparatus for accurate analysis and high-priced modern books of reference. On inquiry, your committee are informed, that the annual expenses of the present Geologist of Indiana, for the two last years, have been upwards of seven hundred dollars; so that his actual salary, after deducting these expenses, has little, if at all, exceeded one thousand dollars. Still, your committee are of opinion that, in the present condition of our treasury, it cannot prudently be increased.

With regard to the resolution on the subject of making it a part of the Geologist's duty to inquire into the causes and remedy for the disease usually called milk sickness, and to report thereon, your committee believe that it is a useful and important proposal. Some portions of our State are in a measure depopulated by that fatal scourge. In others the business of raising stock is almost prohibited by its unceasing ravages. He who shall discover its cause, and point out a mode of extirpating or of avoiding it, will indeed be a benefactor to the western country. Your committee are of opinion, that it is the duty of the Legislature to take measures, as neighboring States have done, to aid in removing this curse from among us, and they believe that no better or cheaper plan can be adopted than to make it a part of the Geologist's duty to investigate the subject. No additional expense is incurred; we afford to suffering portions of our State a fair chance for relief; and the chemical knowledge required of a Geologist, well fits him for an examination. Your committee are also informed that our present State Geologist, who is a graduate of the medical college of Ohio, has already devoted some attention to this subject, with fair prospect of making important discoveries therewith connected.

In conclusion, your committee call your special attention to the actual pecuniary and commercial benefits which have accrued to most of the older States, from making a thorough examination, and publishing to the world, an official account of the mineral resources they respectively possess. In Pennsylvania alone, tens of thousands of acres of barren land, which had lain perhaps for half a century, unheeded and unimproved, and which were hardly considered worth government price, have lately changed hands at from fifty to one hundred dollars an acre, and even upwards of that sum, in consequence of the rich ore brought to light by scientific research. One establishment after another swells the coffers of the Key-Stone State. Not only does she fully supply the wants of her own citizens, but she exports in immense quantities to other less favored, or rather, less enterprising States; to States, for instance, like Indiana, which, with the same means of wealth and materials for commerce, scruples even to explore, and of course fails to use them.

Your committee come to the conclusion, then, that Indiana, at the present emergency, when all her powers of production ought to be called forth, cannot afford to suffer her mineral capital to lie dormant. She ought not to remain indolently tributary to other States for a supply of such staples as salt and iron. Her own iron beds and salt springs may yield her a rich revenue, and it is due to herself to take the same means which other States have taken, to obtain that revenue, namely, the continuation of her geological survey.

Your committee, therefore, recommend the passage of the accompanying bill,

No. 74, To provide for an examination and report of the mineral resources of the State, and for other purposes;

Which was read, and passed to a second reading on to-morrow.

Mr. Wilson, of M. made the following report :

**MR. SPEAKER :**

The select committee to which was referred a petition of sundry citizens of the counties of Cass, Miami, Fulton and Kosciusko, praying for a State road therein named, have had the same under consideration, and directed me to report

Bill No. 75, To locate a State road therein named,

Which was read, and passed to a second reading on to-morrow.

Mr. Major made the following report :

**MR. SPEAKER :**

The select committee to which was referred the petition of sundry citizens of Clinton county, praying for a law to be passed to legalize the sale of certain school lands, have had the same under consideration, and directed me to report by

Bill No. 76, To legalize the sale of certain school lands in Clinton county;

Which was read, and passed to a second reading on to-morrow.

Mr. Johnson of Monroe, made the following report :

**MR. SPEAKER :**

The select committee to which was referred the petition of Zachariah Williams and others, to sell certain real estate therein named, have had the same under consideration, and directed me to report

Bill No. 77, To sell real estate, and for other purposes;

Which was twice read, the rules being suspended, and,

On motion of Mr. Hurst,

Referred to the Judiciary Committee.

Mr. Townsend made the following report :

Mr. SPEAKER :

The select committee to whom was referred a memorial and joint resolution to Congress, have had the same under consideration, and have directed me to report a memorial and joint resolution

No. 78, On the subject of the Cumberland road;

Which was read, and passed to a second reading on to-morrow.

Mr. Mason made the following report :

Mr. SPEAKER :

The select committee to which was referred Bill No. 43, of the House, relative to county boundaries, have had the same under consideration, and directed me to report the same to the House without amendment, in which the concurrence of the House is requested.

The House concurred in the report of the committee, and

Said bill was read a second time, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Brown,

*Resolved*, That a select committee be appointed to inquire into the expediency of providing by law for the encouragement of manufacturing Iron, Salt and Cotton in the State of Indiana.

Messrs. Brown, Blair, Cutter and Champer were appointed said committee.

Mr. Kilgore introduced the following resolution.

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of reporting a bill providing for the connection of the Whitewater canal and the Moncietown feeder of the Central canal or the Central canal, upon the shortest and cheapest route by a McAdamized turn-pike commencing at the head of said Whitewater canal,

Which was not adopted.

On motion of Mr. Thompson,

*Resolved*, That whereas a resolution passed this House on the 4th inst., directing the Public Printer to print 5000 copies of the Governors Message, and whereas said Public printer has failed or neglected to comply with said request; therefore,

*Resolved*, That said resolution be and the same is, hereby repealed; and that said Public printer be authorized to receive pay only for such number of copies as have been distributed among the members of this House; and that the Sergeant-at-Arms be directed to inform the Public printer of the adoption of this resolution.

On motion of Mr. Bryce,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the 88th section of the law regulating county boundaries as to render that law effectual,

Mr. Rose introduced the following resolution:

*Resolved*, That the Judiciary committee be requested to inquire into the expediency of repealing the 3d and 4th sections of An act, to suppress professional gambling, approved Feb. 17, 1838, and report by bill or otherwise;

Which resolution was not adopted.

On motion of Mr. Earl,

*Resolved*, That a select committee be appointed to inquire whether any and if any, what alteration may be necessary in the present mode of collecting delinquent land tax; with leave to report by bill or otherwise.

Messrs. Earl, Kenton, Thompson, Wilson of M., and McClure were appointed said committee.

On motion of Mr. Pettit,

*Resolved*, That the committee on Judiciary be instructed to inquire and report to this House, whether the penal laws of this State, inflict any unconstitutional or unmeaning punishments; and if so, which and what are they; with leave to report by bill or otherwise.

On motion of Mr. Kilgore,

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of changing the character of the work connecting the White water and Central canal, from a rail road to a McAdamized turnpike road; and to make such other changes as may seem just and right.

On motion of Mr. Dole,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of authorizing executors and administrators to take affidavits on claims presented against estates for which they are authorized to act as such executors and administrators; with leave to report by bill or otherwise.

On motion of Mr. Noel,

*Resolved*, That the State Board of Internal Improvement be requested to report to this House, a statement exhibiting the additional amount of money it would require to make good and substantial bridges, suitable for common travelling purposes, across Raccoon and Sugar creeks in Parke county, in connection with the aqueduct and towing path to be made for the Wabash and Erie Canal; and also, whether, in the opinion of said Board, it would not be profitable for the State to build such bridges and charge reasonable tolls for crossing upon them.

Mr. Bowles introduced the following resolution:

*Resolved*, That the Sergeant-at-Arms be instructed to require the several printers whose papers are taken by this House, to deliver the number of papers allotted to each member, enclosed in a single envelope, with one end open;

Which resolution was not adopted.

On leave being granted,

Mr. Monroe introduced joint resolution

No. 79, on the subject of slavery in the southern states;

Which was read, and passed to a second reading on to-morrow.

Mr. Thompson offered for adoption the following resolution:

*Resolved*, That the House will, the Senate concurring, when it adjourns on Saturday next, adjourn to meet on Monday the 31st inst.

Mr. Judah offered the following amendment to said resolution:

That the Auditor of Public Accounts shall not allow to any member or officer of the General Assembly, who shall absent himself from Indianapolis during said recess, any compensation for the days included in such recess.

The ayes and noes being demanded on said amendment, by Messrs. Perine and Judah,

*Those who voted in the affirmative were*

Messrs. Allison, Baker, Blair, Boon, Bowles, Brenton, Bright, Brown Bryce, Carr of J., Carr of L., Chiles, Cooper, Cotton of P., Cutter, Devin, Dumont, Eggleston, Eldridge, Field, Flint, Glass, Gregory, Helmer, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Judah, Kenton, Kilgore, Laue, Lewis, Marshall, Mason, Matson, McClure, McNary, Monroe, Morrow, Nelson, Noel, Owen, Parker, Perine, Pettit, Powell, Puett, Riley, Rose, Sands, Smydth, Stewart, Townsend, Truelock, Willey, Williams, Wilson of M., Wines, and Wyman—62.

*Those who voted in the negative were*

Messrs. Albertson, Anderson, Arnold, Chapman, Clymer, Cogswell, Conaway, Dole, Earl, Egbert, Graham, Hanna, Healey, Hurst, Jones, Lee, Major, McCarty, Milroy, Morgan, Peaslee, Proffitt, Rush, Spann, Terrell, Thompson, Wilson of H., and Mr. Speaker—30.

So said amendment was adopted.

On motion of Mr. McNary, said resolution as amended, was indefinitely postponed.

The following message was received from his Excellency the Governor, by John M. Wallace, his private Secretary.

**MR. SPEAKER—**

I am directed by his Excellency the Governor, to inform the House of Representatives that he has signed the following bills which originated in the House of Representatives:

No. 3—An act to regulate the jurisdiction of justices of the peace of Bartholomew county;

No. 12—An act to extend the time for collecting the state revenue of St. Joseph county;

Also, the following bill and joint resolution which originated in the Senate:

No. 5—A bill for the election of an additional justice of the peace in the town of Russellville;

No. 2—A joint resolution relative to the duties of Enrolling Secretary of the Senate and Clerk of the House of Representatives.

On motion the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

House met pursuant to adjournment.

Mr. Thompson introduced bill

No. 84, to regulate the jurisdiction and duties of justices of the peace in Allen county;

Mr. Powell,

No. 85, for the relief of Edward Gird, collector of Shelby county.

Mr. Healey,

No. 86, to amend the act relating to marriages.

Mr. Cooper,

No. 88, to amend an act entitled an act relative to the fees and salaries of certain officers therein named.

Mr. Gregory,

No. 89, declaring a misprint.

Which were severally read and passed to a second reading on to-morrow.

Mr. Proffitt introduced bill

No. 80, to amend an act entitled an act to incorporate the Mount Carmel and New-Albany railroad company.

Mr. Pettit,

No. 81, to amend an act entitled an act incorporating the Mayor and Common Council of Lafayette.

Which were each read twice, the rule being dispensed with, and ordered to be engrossed for a third reading on to-morrow.

Mr. Judah introduced bill,

No. 82, to amend an act entitled an act to authorize the loaning of the College Fund;

Which was read three times and passed, the rule being suspended.

Ordered, That the Clerk carry it to the Senate and ask their concurrence therein.

Mr. McNary introduced bill,

No. 83, to amend an act relating to public highways;

Which was twice read, the rule being suspended, and referred to a select committee of Messrs. McNary, Chiles, and Townsend.

Mr. Allison,

No. 87, to amend an act entitled an act to incorporate the Eel river bridge company, approved Feb. 6, 1837;

Which was read twice, the rule being suspended, and referred to the committee on corporations.

Mr. Noel from the committee on enrolled bills, made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they did this day present to his Excellency the Governor, for his approval and signature, the following bills, to-wit:

No. 4—An act to amend an act entitled an act to incorporate the town of Princeton, approved Feb. 14, 1838;

No. 6—An act declaring a certain name a misprint;

No. 17—An act to amend an act entitled an act to regulate the mode of doing county business in the several counties of this state, approved Feb. 17, 1838.

**MR. SPEAKER—**

The joint committee on enrolled bills, have this day compared the following engrossed bills of the Senate with the enrolled bills, and find the same correctly enrolled, viz:

An act entitled an act to amend the act to regulate the mode of doing county business in the several counties of this state, approved Feb. 17, 1838;

An act entitled An act to amend an act to incorporate the town of Princeton, approved Feb. 14, 1838; and

An act entitled An act declaring a certain name a misprint;

Whereupon, the Speaker signed the same.

*Ordered,* That the Clerk carry them to the Senate for the signature of the President thereof.

Leave of absence was granted to Mr. McCarty.

On motion of Mr. Judah, bill

No. 14, Concerning corporate privileges was taken up and read a second time.

Mr. Kilgore moved to amend said bill by striking out the proviso thereto;

Which motion did not prevail;

And before any further action had thereon,

On motion, the House adjourned until 9 o'clock to-morrow morning.

**THURSDAY, DEC. 20, 1838.**

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Test, their secretary:

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof, No. 34, entitled An act to amend the act entitled An act to regulate the mode of doing county business in the several counties in this State, approved 17th February, 1838. In which the concurrence of the House is respectfully requested.

Said bill was read three times and passed, the rule being suspended.

The following message was received from the Senate by Mr. Test, their secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills thereof, entitled

No. 7, An act establishing circuit courts, and defining their power and duties;

No. 13, An act to change the name of Daniel Bully;

No. 14, An act relating to a State road in Laporte county;

In which the concurrence of the House is respectfully requested.

No. 7 in said message was read and passed to a second reading on to-morrow.

No. 13 was read three times and passed, the rule being suspended.

No. 14 was read and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Cole, a member.

MR. SPEAKER:—

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution:

*Resolved*, That the Senate, when it adjourns on Saturday next, stand adjourned till Monday the 31st day of December at the usual hour, (the House of Representatives concurring therein.)

Mr. Boon moved to indefinitely postpone said resolution, and the ayes and noes being requested thereon, by Messrs. Judah and Hubbard,

*Those who voted in the affirmative were*

Messrs. Albertson, Allison, Boon, Bowles Carr, of Lawrence, Brown, Chapman, Cotton of Perry, Cotton of Switzerland, Devin, Dole, Dumont, Eldridge, Field, Graham, Healey, Hendricks, Johnson of Marion, Judah, Kilgore, Lane, Mason, Mitson, McClure, McNary, Morgan, Noel, Owen, Parker, Perine, Powell, Riley, Rose, Rush, Sands, Spann, Stewart, Townsend, Willey, Wilson of Harrison, Mr. Speaker—41.

*Those who voted in the negative were*

Messrs. Alley, Anderson, Arnold, Baker, Blair, Brenton, Bright, Bryant Bryce, Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Conaway, Cutter, Egbert, Eggleston, Flint, Glass, Gregory, Hanna, Helmer, Herriman, Hubbard, Hunt, Jackson, Johnson of Monroe, Jones, Lee, Lewis, Major, Milroy, Monroe, Morrow, Nelson, Peaslee, Pettit, Proffitt, Puett, Reynolds, Smydth, Terrell, Thompson, Truelock, Williams, Wilson of Miami, Wines, Wyman—50.

So said resolution was not indefinitely postponed.

Mr. Chiles moved to concur in said resolution, with an amendment which was, to strike out Monday the 31st inst, and insert in lieu thereof, Thursday the 27th instant, which motion prevailed,

And said resolution was concurred in as amended.

The Speaker laid before the House a communication from Messrs. Osborn and Willets which was read, on motion of Mr. Hanna laid on the table.

Mr. Thompson moved to reconsider the vote taken on a resolution heretofore adopted in regard to the printing of the Governor's message, which did not prevail.

Mr. Cotton of S. presented the petition of Arthur Hagerman, praying an act to be passed changing his name; which was read and referred to a select committee of Messrs. Cotton of S. Marshall and Dumont,

Mr. Owen presented the petition of John Ridenom and others praying that the law defining the duties of justices of the peace in Posey county may not be altered; which was referred to a select committee of Messrs. Owen, Lane and Graham, without reading.

Mr. Spann presented the petition of Philo Andrews and others, praying for the location of a State road therein named; which was referred to a select committee of Messrs. Spann, Bright and Terrel.

Mr. Matson presented the petition of Samuel Davis and others, praying an act of incorporation to construct a M'Adamized road from Harrison via Newtown and Rochester to Brookville; which was referred to a select committee of Messrs. Matson, M'Carty and Eggleston.

Mr. Mason presented the petition of George Winchel and others on the subject of a Turnpike road therein named; which was referred to the same select committee heretofore appointed on the like subject.

Mr. Brenton from the Judiciary Committee made the following report:

#### MR. SPEAKER—

The Judiciary Committee, to which was referred a resolution of this House, instructing them to inquire into the expediency of so amending the poor law as to make provision for the education of minors, &c. have had that subject under consideration and have directed me to report a bill

No. 90, To amend an act entitled An act for the relief of the poor; which was read and passed to a second reading on to-morrow.

Mr. Chiles, from the same Committee, made the following report:

#### MR. SPEAKER—

The Judiciary Committee, to which was referred a resolution inquiring into the expediency of amending the law relative to the duties of clerks, have had the same under consideration, and have directed me to report a bill,

No. 91, To amend an act entitled An act relative to the duties of clerks; which was read and passed to a second reading on to-morrow.

Mr. Powell, from the Committee on Roads, made the following report:

**MR. SPEAKER—**

The Committee on Roads, to whom was referred a bill to locate a State road in Green county, have had the same under consideration, and have directed me to report the following bill as an amendment:

No. 59, to locate a state road in Green county; which was read, and passed to a second reading on to-morrow.

**MR. SPEAKER—**

The committee on roads, to whom was referred two resolutions: one to inquire into the expediency of having the road law published in pamphlet form; and the other to inquire into the expediency of so amending the law regulating roads and highways, as to require delinquents to pay one dollar for each day's delinquency, have had the same under consideration, and have directed me to report, That it is inexpedient to legislate on those subjects.

The House concurred in said report by consent.

Mr. Puett, from the committee on ways and means, made the following report:

**MR. SPEAKER—**

The committee on ways and means, to whom was referred a certain resolution, instructing them to inquire into the expediency of refunding certain moneys to the county of Parke, &c., have had the same under consideration, and have directed me to report the following bill,

No. 92, To refund certain moneys to certain counties therein named.

Which was read and passed to a second reading on to-morrow.

Mr. Field made the following report:

A select committee to whom was referred a bill to amend an act entitled An act to incorporate the Jeffersonville Savings Institution, approved, February 17, 1838, have had the same under consideration, and have directed me to report the following bill as a substitute for said bill:

No. 9, to amend an act entitled An act to incorporate the Jeffersonville Savings Institution;

Which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Cotton of S., made the following report:

**MR. SPEAKER—**

The select committee to whom was referred the petition of Nathan Hagerman, praying to have his name changed to that of Nathan Walden, have had the same under consideration, and have directed me to report the following bill,

No. 93, To legalize the name of Nathan Walden,

Which was read twice, the rule being dispensed with, and ordered to be engrossed for a third reading on to-morrow.

Mr. Judah from a select committee made the following

## R E P O R T :

MR. SPEAKER—

The select committee, to which the memorial of John B. Chapman was referred, have had the same under consideration and have directed me to make the following report:

It seems to the committee that J. B. Chapman has availed himself of the pretence of an act of the legislature, passed at the last session of the General Assembly, to pour out upon a member of this House his malice, and thus to attain a paltry gratification. The act of the legislature thus abused, is one, that can only operate upon John B. Chapman through the interposition of the courts of justice; courts fully sufficient to determine whether it be constitutional or not, as well as to determine whether the wrong is due or not.

We only know the member of the House so maliciously abused, from the fact, that he has been twice sustained by the people of his county; and that his conduct on the floor of this house, has always been that of an honest, honorable, independent and intelligent man, who has thus secured to himself our respect and esteem.

The following resolution is recommended:

*Resolved*, That the memorial of J. B. Chapman is disrespectful, and unworthy of further consideration, and that he have leave to withdraw it.

Which report was unanimously concurred in by the House.

Mr. McNary reported back to the House bill

No. 83, to amend an act entitled An act relating to highways,

Which was read a second time and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Cooper,

*Resolved*, That the committee on Education, be instructed to inquire into the expediency of amending the 7th section in the 4th chapter, and the 10th section in the 14th chapter of An act incorporating congressional townships, and providing for public schools therein, approved February 17, 1838, so as to define a more definite mode of distributing the school funds more equally in each district; with leave to report by bill or otherwise.

On motion of Mr. Allison,

*Resolved*, That the committee on agriculture be instructed to inquire into the expediency, of reporting a bill prohibiting the use of coculus indicus berries, (commonly called fishing berries) in any river, lake, or creek in this State, for the purpose of catching fish; and also of preventing the sale of said berries for other than medical purposes.

On motion of Mr. Rush,

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of providing by law for

the survey of a turnpike road, commencing at Greenfield, Hancock county, by the way of Rushville to some convenient point on the White Water canal; and report by bill or otherwise.

On motion of Mr. Bowles,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of equalizing the interest on money in all the business transactions in this State; and report by bill or otherwise.

On motion of Mr. Proffitt,

*Resolved*, That the committee on Ways and Means be particularly directed to examine that portion of the report of the Treasurer of State, which says,

"The finances of the internal improvement operations" (as before suggested,) not being confided to this department, the undersigned refrains from more than hinting at the importance of the subject. I feel it my duty however, to add my conviction, that if both the action of the General Assembly and the future prosecution of the public works shall not be so directed as shortly to produce from other sources than taxation, an amount sufficient to cover some considerable portion of the interest thus rapidly accumulating, and which must be discharged, that neither the treasury, nor the ability or patience of the people will be able to bear the overwhelming load of interest, for the payment of which the public faith is sacredly pledged;"

And to report especially whether the patience of the people is under so severe a test, or a probability of their burthens becoming so intolerable.

On motion of Mr. Jones,

*Resolved*, That the committee on military affairs be instructed to inquire into the expediency of incorporating an independent company in Spencer county, to be known by the name of the Governor's Guards of Spencer county.

On motion of Mr. Boon,

*Resolved*, That so much of the Treasurer's report as relates to the Lawrenceburgh and Indianapolis Railroad Company having the credit of the State, be and the same is hereby referred to the Judiciary committee; and be it *further resolved*, That they inquire into the expediency of repealing the law giving the company the credit of the State, with leave to report by bill or otherwise.

On motion of Mr. Terrell,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of so amending the revenue law as to make it the privilege of the payers of the tax on non-resident lands to pay the same to the county clerk, and make it the duty of that officer to receipt for the same; and report by bill or otherwise.

On motion of Mr. Lewis,

*Resolved*, That the committee on roads inquire into the propriety of repealing the provision in the 9th section of An act relating to public roads and highways, approved February 17, 1838.

On motion of Mr. Truelock,

*Resolved*, That a select committee be appointed to inquire into, and report to this House whether the real estate of the late John Fischli has or has not escheated to the State.

*Ordered*, That Messrs. Truelock, Field, Proffitt, Carr of J. and Peaslee be that committee.

On motion the House adjourned until two o'clock, P. M.

2 o'clock P. M.

House met.

Mr. Cutter on leave being granted, offered for adoption the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency and practicability of so amending the laws of this State, that hereafter the circuit courts shall have power to inquire into the deportment, and punish Justices of the Peace for all malfesance in office, in as full and ample a manner as the legislature may or could do at present, and to suspend them from office upon sufficient proof, where necessity and the public good may require it, with leave to report by bill or otherwise.

On motion of Mr. Bryce,

Said resolution was laid on the table.

Mr. Lane introduced a memorial and joint resolution,

No. 94, Relative to a stage line from Indianapolis to Evansville.

Mr. Wines introduced a memorial and joint resolution,

No. 95, On the subject of locating the northern end of the Central canal.

Mr. Wyman introduced bill,

No. 98, To amend an act entitled An act to provide for a general system of internal improvements.

Mr. Blair introduced bill,

No. 99, To revive and amend an act entitled An act to incorporate the town of Perryville, Vermillion county.

Mr. Mason introduced bill.

No. 100, To amend an act entitled An act regulating the jurisdiction and duties of Justice's of the Peace;

Which were severally read and passed to a second reading on to-morrow.

Mr. Noel introduced bill

No. 96, To amend an act entitled An act establishing certain State roads, and for other purposes.

Mr. Kilgore, bill

No. 97, To vacate the Albany and Burlington State road, in Delaware county;

Which were each read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

The following message was received from the Senate by Mr. Test their Secretary:

MR. SPEAKER:—

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the amendment of the House to the resolution of the Senate, adjourning both Houses of the General Assembly from Saturday next, until Monday the 31st inst.

Mr. Truelock introduced bill

No. 101, To amend an act entitled An act to provide for a general system of Internal Improvement,

Which was read twice, the rule being suspended.

Mr. Puett moved to indefinitely postpone said bill,

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Anderson, Baker, Blair, Brenton, Bryant, Bryce, Carr of J., Carr of L., Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Cutter, Dole, Egbert, Eldridge, Field, Flint, Graham, Healey, Helmer, Herriman, Hubbard, Hunt, Jackson, Johnson of Monroe, Johnson of Marion, Jones, Kenton, Kilgore, Lane, Lee, Major, Marshall, Mason, Matson, McClure, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Parker, Powell, Proffitt, Puett, Reynolds, Riley, Rush, Smydth, Spann, Stewart, Terrell, Thompson, Townsend, Willey, Williams Wilson of M., Wines, Wyman, and Mr. Speaker—69.

*Those who voted in the negative were*

Messrs. Arnold, Boon, Bowles, Brown, Chapman, Conaway, Cotton of P., Cotton of S., Devin, Dumont, Eggleston, Glass, Gregory, Hendricks, Hurst, Lewis, Peaslee, Perine, Pettit, Rose, Sands, Truelock, and Wilson of H—23.

So said bill was indefinitely postponed.

On motion,

House adjourned until to-morrow morning 9 o'clock.

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FRIDAY, DECEMBER 21, 1838.

House met pursuant to adjournment.

Leave of absence was granted to Messrs. Nelson, Hunt, Bright, Cotton of S., Conaway, Terrell, Lee, Arnold, Marshall and Dole.

On motion,

Mr. Cline was added to the committee on Canals and Internal Improvements.

Mr. Gregory moved to reconsider the vote taken on the adoption of a resolution some time since, in regard to the printing of the Governor's message;

Which motion prevailed, and the vote was reconsidered.

On motion of Mr. Boon,

Said resolution was laid on the table.

Mr. Brenton presented the petition of Leonard Owen and others, on the subject of vacating a State road;

Which was referred to the same committee heretofore appointed on that subject.

Mr. Johnson of Monroe, presented the petition of Randolph Ross, praying for an act of Incorporation;

Which was referred to the committee on Corporations, without reading.

Mr. Spann presented the petition of Ebenezer Lewis and others, on the subject of a State road therein named,

Which was referred to the select committee heretofore appointed on a like petition.

On motion,

Mr. Cotton of S. was added to said committee.

Mr. Hubbard presented the petition of William Nixon and others, on the subject of a State road from the Ohio state line, via Newport, in Wayne county, to Centreville,

Which was referred to a select committee of Messrs. Hubbard, Morrow, Jackson and Lewis.

Mr. Brenton presented the remonstrance of Isaac Hardin, on the subject of a State road therein named;

Which was referred to the same committee appointed on that subject heretofore.

Mr. Hubbard presented the petition of sundry citizens of Wayne county, on the subject of a State road from Cambridge to Fort Wayne,

Which was referred to a select committee of Messrs. Hubbard, Lewis, Thompson, Hunt and Vance.

Mr. Williams presented the petition of Aaron Goodman and others of Adams township Morgan county, on the subject of a change in a State road therein named,

Which was referred to a select committee of Messrs. Williams, Hendricks and Johnson of Monroe.

Mr. Eggleston presented the petition of sundry citizens of Dearborn county, to repeal the law organizing the special term of the Circuit court in said county;

Which was referred to the committee on the Judiciary.

Mr. Egbert presented the petition of John C. Williams and others, on the subject of removing James F. Smith, a Justice of the Peace of Laporte county, from office;

Which was read and referred to a select committee of Messrs. Egbert, McClure and Perine.

Mr. Pettit presented the petition of David Runnion and others, on the subject of the Michigan road;

Which was referred to the committee heretofore appointed on that subject.

The Speaker laid before the House a communication from the Secretary of State;

Which was read, and,

On motion of Mr. Hubbard, laid on the table.

Mr. Devin, from a select committee made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of several citizens, praying to be attached to the county of Gibson, have had that subject under consideration, and have directed me to make the following report:

There is a portion of territory in township No. 4 south, range nine west, which has been claimed as belonging to both the counties of Warrick and Gibson.

The committee have spent much time in ascertaining the true boundary between the two counties, and from all the law extant, and which can be found, the committee are induced to believe, that nine sections in the northwest corner of township four south, range nine west, are in the boundary of Gibson county, and consequently include the petitioners above named. Therefore, the committee deem any legislation thereon unnecessary, and ask to be discharged from its further consideration.

The House concurred in said report, and the committee were discharged.

Mr. Cline made the following report:

MR. SPEAKER—

The select committee upon the petition of the settlers upon the public lands withheld from sale on account of the claim of the state to select a further quantity of land for the Wabash and Erie canal, beg leave to report:

That they have had the matter under consideration, and from the facts set forth in the petition, and from the testimony of Solon Robinson, Esq., who appears to be an authorised agent of the petitioners, together with a personal knowledge of the circumstances, by a portion of your committee, we are constrained by a sense of justice towards a very large and respectable body of our fellow-citizens, to recommend that the prayer of the petitioners be granted, and have therefore reported the accompanying bill for that purpose. And as the facts most necessary to be laid before the House to enable it to act upon the

subject, are plainly set forth in the petition, we would respectfully suggest that the petition, report, and bill be printed for the use of the House.

Bill No. 102, for the relief of settlers on the public lands selected by the Governor for canal purposes;

Which was read twice, the rule being suspended; and,

On motion of Mr. Owen,

Referred to the judiciary committee.

The Speaker laid before the House the annual report of the Board of Internal Improvement;

Which was read; and,

On motion of Mr. Hubbard,

Laid on the table, and three thousand copies, together with the accompanying documents, were ordered to be printed.

On motion, Messrs. Bryce and Field were appointed a committee to wait on the Treasurer of State, for the purpose of having some work done to the hall of the House of Representatives, in pursuance of a resolution of last session.

The Speaker laid before the House a communication from the Auditor of Public Accounts; which was,

On motion of Mr. Hubbard,

Referred to the committee on ways and means, and two hundred copies ordered to be printed.

On motion of Mr. Wilson of Miami,

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of providing funds to put into operation the three new branches of the State Bank of Indiana, contemplated to go into operation in the year 1839.

On motion of Mr. Carr of Jackson,

*Resolved*, That the committee on education be instructed to inquire what amendments are necessary to the present school law, so as to insure a more punctual discharge of the duties of township and district trustees; to report by bill or otherwise.

Mr. Rose introduced the following resolution:

*Resolved*, That the judiciary committee be requested to inquire into the expediency of repealing an act To prohibit the circulation of bank notes of a less denomination than five dollars, approved Feb. 2, 1832, and report by bill or otherwise;

Which resolution,

On motion of Mr. Bryce, was laid on the table.

On motion of Mr. Powell,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending the 25th section of the probate law, so that debts contracted by any decedent, for common labor, be placed in the first class of debts, to be paid by his or her executor or administrator; with leave to report by bill or otherwise.

Mr. Monroe introduced the following resolution:

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the school law, as to exempt persons

over the age of sixty from paying a school tax, by their relinquishing their interest in the school fund; which resolution was not adopted.

On motion of Mr. Mason,

*Resolved*, That a select committee be appointed to inquire into the cause of the delay in the state printers, to furnish the printing directed by this House; also to inquire if any amendment be necessary to the law creating state printers, and if so, report the same to this House.

Messrs. Mason, Matson, and Gregory were appointed said committee.

On motion of Mr. Cutter,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending the law of this state, in regard to crime and punishment, so as to abolish the penalty of death for any crime or crimes except treason and piracy, and substitute imprisonment for life therefor; with leave to report by bill or otherwise.

On motion of Mr. Peaslee,

*Resolved*, That the committee on the judiciary inquire into the expediency of authorizing the several courts doing county business, to liquidate and allow to sheriffs, constables and their assistants, such reasonable allowance as they may think proper for services rendered in apprehending, keeping, or endeavoring to apprehend persons charged with larceny, with leave to report by bill or otherwise.

On Motion of Mr. Field,

*Resolved*, That a select committee be appointed to inquire into and report to this House, the number of charters that have been granted since the adoption of the State Constitution, the number that has expired, or became forfeited, and the number that now exists, with such other information connected with existing corporations as they may deem useful to this House.

And Messrs. Field, Kilgore, and Bowles were appointed such committee.

On motion of Mr. Wyman,

*Resolved*, That a select Committee be appointed for the purpose of inquiring what attentions, (if any,) are necessary in the act entitled An act regulating medical societies, approved Feb. 30, 1830; with leave to report by bill or otherwise.

Messrs. Wyman, Thompson and Bowles, were appointed said committee.

On motion of Mr. Williams,

*Resolved*, That the committee on judiciary be instructed to inquire into the expediency of raising the fees of witnesses and grand and petit jurors; with leave to report by bill or otherwise.

On motion of Mr. Thompson,

*Resolved*, That the committee on the State Library be directed to examine the register and records of the patents in the office of Secretary of State, and the Auditor and Treasurer of State, and that they report the manner in which those important records are kept and whether any other method is required by the public interest; and whether the law in relation to this duty has been complied with.

On motion of Mr. Glass,

*Resolved*, That a select committee be appointed to inquire into the expediency of changing the mode of improving turnpike roads by M<sup>ad</sup>amizing, to that of wooden blocks in sections of this State where rock cannot be obtained; with leave to report by bill or otherwise.

Messrs. Glass, Owen and Mason were appointed such committee.

On motion of Mr. Milroy,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of extending the criminal laws of Indiana, over the Indians within the limits of the State; with leave to report by bill or otherwise.

On motion of Mr. Brenton,

*Resolved*, That the committee on judiciary be instructed to inquire into the expediency of so amending The act making promisory notes &c. assignable, approved Jan. 29, 1838, as to make that part of it, relating to the privilege of assignees, more definite; with leave to report by bill or otherwise.

On motion of Mr. Thompson,

*Resolved*, That 200 copies of the Geological reports of this and last year, be placed for distribution in this and other States, at the disposal of the State Geologist and that the Governor be respectfully requested to forward a neatly bound copy of the same to the Governor of each State and also one to each State Library in the Union.

On motion of Mr. Gregory,

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of abolishing the present board of fund commissioners and appointing an agent whose duty it shall be to proceed to Europe for the purpose of selling the State Bonds for Bank and Internal Improvement purposes.

On motion of Mr. Gregory,

*Resolved*, That the bill regulating circuits and fixing the times of holding courts, be taken up and referred to a select committee of two members from each circuit, with instructions to inquire into the expediency of so establishing three additional circuits, in place of two, that are provided in the bill; and whether or not, it will not be more expedient to continue the present number of circuits, and increase the salaries of the Circuit Judges.

Messrs. Gregory, Milroy, Pettit, Hurst, Bowles, Dumont, Matson, Proffitt, Jones, Brenton, Johnson of Marion, Kilgore, Morgan, Thompson, Eldridge, Cutter, Flint, Egbert, McClure and Allison, were appointed said committee.

On motion of Mr. Allison,

*Resolved*, That the select committee heretofore appointed on that subject, inquire into the expediency of providing that every motion to print bills, reports, or other documents, by this House, be hereafter submitted to the Secretary of State; and when, in his opinion, the regularly appointed printer of the House are unable, from the press of public business, to furnish the documents required to be printed, in a reason-

able time, it shall be at his option to let out the same to some other printer, provided that he shall be satisfied that he or they will execute the work well, and provided further, that he or they agree to perform it at a rate not exceeding that now allowed the printers of the House.

On motion of *Mr. Milroy*,

*Resolved*, That the President of the State Bank be requested to communicate to this House his opinion of the propriety of increasing the State stock in the State Bank; the effect such increase would have on the business and commerce of the State; the prospect of obtaining funds on loan for that object if the same should be authorised; with the probable profits that may be derived from an increase of Bank stock; with his opinion of the amount of interest on the State debt for Internal Improvement that may be annually paid by such profits if applied to that object; and that the Clerk of this House be directed to transmit a copy of this resolution to the President of the State Bank.

On motion, the House adjourned until 2 o'clock, P. M.

*Two o'clock, P. M.*

House met.

On motion of *Mr. Wilson of H.*, bill

No. 80, To amend an act entitled An act to Incorporate the Mount Carmel and New Albany Railroad Company, was taken up; read thrice, the rule being suspended, and passed.

*Ordered*, That it be entitled An act, and that the Clerk carry it to the Senate and ask their concurrence therein.

Leave of absence was granted to *Mr. Chiles*.

On motion of *Mr. Bryce*, joint resolution

No. 63, To correct an error in the general appropriation bill, was taken up, read a third time and passed, the rule being dispensed with.

*Ordered*, That it be entitled an Act, and that the Clerk carry it to the Senate and ask their concurrence therein.

*William Vance, Esq.*, member elect from the counties of *Huntington, Jay, Whitley, Wells and Blackford*, appeared, produced his credentials, was sworn into office, and took his seat as a member of this House.

The following message was received from the Senate by *Mr. Test*, their Secretary:

*MR. SPEAKER—*

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 80, entitled An act to amend an act entitled An act to incorporate the Mount Carmel and New Albany Railroad company, approved February 4, 1837, without amendment.

The following message was received from the Senate by *Mr. Test* their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 82, entitled An act to amend the act entitled An act to authorize the loaning of the College Funds, approved Feb. 17, 1838;

In which the concurrence of the House is respectfully requested.

The following report was made by Mr. Morgan, from the committee on enrolled bills:

MR. SPEAKER—

The joint committee on enrolled bills reports that they have this day compared the following engrossed bills of the Senate with the enrolled bills, and find the same correctly enrolled, viz:

No. 13—An act entitled An act to change the name of Daniel Bully;

No. 34—An act entitled An act to amend the act entitled An act to regulate the mode of doing county business in the several counties of this state, approved 17th Feb., 1838.

The House proceeded to the orders of the day.

Bill No. 56, to construct a state road from Rockport in Spencer county via Jasper to Washington in Daviess county,

Was read a second time and referred to the committee on canals and internal improvements.

No. 62, declaring a misprint;

No. 66, to provide medical aid, care, and attendance on laborers on the public works during the sickly season.

No. 67, providing for a tow-path from the St. Joseph feeder dam to Cedarville;

No. 68, relative to a side-cut canal opposite the town of Clinton in Vermillion county;

No. 70, to repeal an act entitled An act attaching township 19, north, range 4 east, township 19 north, range 5 east.

No. 73, to change the mode of doing county business in the county of Bartholomew, and for other purposes;

Were each read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 61, to repeal the 154th section of an act establishing state roads and for other purposes,

Was read a second time and referred to the committee on roads;

No. 9 of the Senate, making an allowance to John Course of Fountain county for services in applying part of the 3 per cent. fund of said county.

No. 10, to amend an act entitled An act to incorporate the Perry county seminary,

Were each read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 4 of the Senate, to incorporate a steam rail company in the town of Paris;

Was read a second time and referred to the committee on corporations.

No. 64 of the House, granting the right of way to Illinois to connect her Northern Cross railroad with the Wabash and Erie canal at Covington;

Was read a second time and referred to the judiciary committee.

No. 65, providing for the further construction of the Madison and Lafayette railroad;

Was read a second time; and

On motion of Mr. Bryce, laid on the table.

No. 71, for the relief of Mary Jane Peck,

Was read a second time; and,

On motion of Mr. Gregory,

Referred to the judiciary committee, with instructions to report a general bill for relief in all such cases.

No. 72, to prevent the obstruction and injury of the Cumberland road;

No. 89, declaring a misprint,

Were each read a second time, and referred to the committee on roads.

No. 74, to provide for an examination of the mineral resources of the state, and for other purposes,

Was read a second time, and laid on the table.

On motion, the House adjourned until 9 o'clock, to-morrow morning.

## SATURDAY, DECEMBER 22, 1838.

The House met pursuant to adjournment;

And, for the want of a quorum, adjourned until Thursday 27th inst.

## THURSDAY, DECEMBER 27, 1838.

House met pursuant to adjournment.

On motion Mr. Vance was added to the committees on roads and agriculture.

On motion of Mr. Proffitt,

*Resolved*, That a select committee be appointed, with instructions to examine the journal of the Board of Internal Improvement from the first meeting until the present time; and to report to this House whether any departure from the law regulating and defining the duties of said board has been made by said board or any of its members; and also to report the amount and location of the lettings ordered by said board during the year 1838, and whether any commissioner has made lettings contrary to, or beyond order.

On motion,

The House adjourned until 9 o'clock to-morrow morning.

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FRIDAY, DECEMBER 28, 1838.

House met pursuant to adjournment:

Mr. Brown presented the remonstrance of Robert Curry and others, against the location of a state road in Sullivan county;

Which was referred to the committee on roads.

Mr. Cutter presented the petition of Cornelius Johnson and others, praying for the location of a state road, beginning at Urbana, via John Pearce's to the bridge on the Cross-cut canal, thence to Terre-Haute;

Which was read and referred to a committee consisting of Messrs. Cutter, Kinney, Smydth, and Brown.

Mr. Brenton presented the petition of Simon S. Hadley and others, praying an act to be passed to incorporate the town of Danville, Hendricks county;

Which was read and referred to a select committee of Messrs. Brenton, Williams, and Johnson of Monroe.

Mr. Herriman presented the petition of Elisha Blakeman and others, on the subject of a state road from Sparta via Defiance, Augusta, to Auburn in DeKalb county;

Which was referred to a select committee of Messrs. Herriman, Peirine, and Clymer.

Mr. Hurst presented the petition of T. R. Fischli, praying an act to be passed to secure the estate of his uncle John Fischli, from escheating to the State.

Which was read and referred to a select committee of Messrs. Hurst, Marshall, Judah, and Kinney.

Mr. Bowles presented the petition of Samuel Chambers and others, praying for an act to be passed making it discretionary with millers to grind grain for distillation.

Mr. Hubbard presented two petitions from sundry citizens of Wayne county, on the same subject;

Which were each referred to the select committee heretofore appointed on like petitions.

Mr. Kinney presented the petition of Joel H. Kester and others, praying for the location of a state road therein named;

Which was read and referred to Messrs. Kinney, Boon, Cutter, and Brown.

Mr. Hubbard presented the petition of Gideon Myers and others, praying for a state road therein named;

Which was referred to a select committee of Messrs. Hubbard, Cooper, and Willey.

Mr. Vance presented the petition of David Bennett and others, praying for the location of a state road from Muncietown to Bluffton;

Which was read and referred to the committee on roads.

Mr. Clymer presented the petition of Rebecca Blue, praying to be divorced from her husband;

Which was read and referred to a select committee of Messrs. Clymer, Perine, and Egbert.

Mr. Powell presented the petition of sundry citizens of Marion county, on the subject of the Michigan road;

Which was laid on the table.

Mr. Kilgore, from the committee on corporations, made the following report:

**MR. SPEAKER—**

The committee on corporations to which was referred bill No. 47, to incorporate the town of Jeffersonville, have had the same under consideration, and have directed me to report the same to the House with one amendment; in which the concurrence of the House is requested.

The House concurred in the amendment of the committee, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Kilgore, from the same committee, made the following report:

**MR. SPEAKER—**

The committee on corporations, to which was referred bill No. 27, to incorporate the town of Mount Vernon, have had the same under consideration, and have directed me to report it back to the House with an amendment; in which the concurrence of the House is most respectfully requested.

On motion, the House concurred in the amendment;

And said bill was ordered to be engrossed for a third reading on to-morrow.

Leave of absence was granted to Mr. Allison, on account of indisposition.

Mr. Kilgore, from the committee on corporations, made the following report:

MR. SPEAKER—

The committee on corporations, to which was referred bill No. 87, to amend an act entitled An act to incorporate the Eel river bridge company, approved Feb. 6, 1837, have had the same under consideration, and have directed me to report it back to the House without amendment.

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Herriman, from a select committee, made the following report:

MR. SPEAKER—

The select committee to which was referred the petition of Elisha Blakeman and others have had the same under consideration, and directed me to report a bill

No. 103, to legalize the proceedings of Westley Park and for other purposes; which was read twice, the rule being dispensed with, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Owen,

*Resolved*, That the Committee on Public Buildings be instructed to inquire what is the safest and most healthy and most economical plan of heating the State-House. Also, what the first cost would be of heating the same by heated air, and what the annual cost of the same would be, compared to the present plan of heating by stoves; with leave to report by bill or otherwise.

On motion of Mr. Brown,

*Resolved*, That the Committee on Roads be instructed to inquire into the expediency of repealing the law authorizing the levy of a road tax in the State of Indiana; with leave to report by bill or otherwise.

On motion of Mr. Noel,

*Resolved*, That the President of the State Bank be requested to report to this House, at as early a period as practicable, how far, in his opinion, the capital stock of the Bank may be increased, without materially deranging the proper equilibrium between the amount of the circulating medium and the commercial transactions of the State. Also, how far it may be increased, without endangering its ability to make a profitable return.

On motion of Mr. Gregory,

*Resolved*, That the Treasurer of State be requested to lay before this House, at as early a day as convenient, the amount of State bonds issued by him under the direction of the Board of Public Works since the first day of January, 1838, up to this time, and that the Clerk of this House furnish the Treasurer a copy of this resolution.

On motion of Mr. Sands,

*Resolved*, That the Committee on Canals and Internal Improvements be instructed to inquire into the expediency of reporting a bill to terminate positively the Whitewater canal at the National road.

On motion of Mr. Albertson,

*Resolved*, That the Committee on Canals and Internal Improvements be di-

rected to inquire into the expediency of so providing by law as to prohibit the employment of Rodmen or Sub-engineers for a longer period than their services are brought into active requisition.

On motion of Mr. Stewart,

*Resolved*, That a Select Committee be appointed to ascertain and settle the boundary line between the counties of Clark and Floyd, with leave to report by bill or otherwise; and,

Messrs. Stewart, Hurst, and Parker, were appointed such committee.

On motion of Mr. Lane,

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the expediency of so amending the revenue law, that each tax payer be required to meet the Collector on certain day or days in each year to settle their taxes, and on failure so to do, it shall be the duty of the Collector to return the delinquents to the School Commissioner without further trouble.

On motion of Mr. Cutter,

*Resolved*, That the Committee on Internal Improvements be instructed to inquire into the expediency of reviving that section of the law which prohibited the purchase of real estate upon any of the lines of Internal Improvement by any Engineer or other officer employed upon said works, and which was repealed at the last session; to report by bill or otherwise.

Mr. Monroe introduced joint resolution

No. 104, relative to the manuscript journals; which was read and passed to a second reading on to-morrow.

Mr. Graham introduced bill

No. 105, relative to a State road in the counties of Warrick and Spencer; which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

Mr. McClure introduced bill

No. 106, to amend an act entitled An act to amend an act incorporating the Buffalo and Mississippi Railroad Company, approved February 7, 1838; which was read twice, the rule being suspended, and referred to a select committee of Messrs. McClure, Kinney, Marshall, Egbert, and Herriman, with instructions to inquire into the constitutionality of a section in said bill.

Mr. Matson introduced bill

No. 107, to amend an act to provide for the distribution of so much of the surplus revenue of the United States, as the State of Indiana may be entitled to, approved January 23, 1836; which was read twice, the rule being suspended, and on motion of Mr. Hanna referred to the committee on the State Bank.

On motion of Mr. Judah, Mr. Matson was added to said committee.

On motion, the House adjourned until 2 o'clock, P. M.

*Two o'clock, P. M.*

House met, and proceeded to the orders of the day, and took up bills on their second reading;

No. 75, to locate a State road therein named;

No. 76, to legalize the sale of certain school lands in Clinton county; were each read a second time and ordered to be engrossed for a third reading to-morrow;

No. 78, memorial and joint resolution on the subject of the Cumberland road, was read a second time; and, on motion of Mr. Hanna, laid on the table.

The Speaker laid before the House a communication from his Excellency the Governor, as follows:

EXECUTIVE DEPARTMENT,  
Indianapolis, Dec. 28, 1838.

HON. THOS. J. EVANS,  
Speaker of the House of Representatives:

At the request of the Governor of the State of Illinois, I herewith transmit through you to the House of Representatives, the enclosed resolutions of the Legislature of that State,

D. WALLACE.

The resolutions mentioned in said communication, were, on motion of Mr. Noel, referred to the Committee on Canals and Internal Improvements.

79. Joint resolution on the subject of the Slave States, was read a second time.

Mr. Owen moved the following amendment to said joint resolution: Strike out all between the words "Union" and "Legislatures" and insert the words "by the non-slave-holding States;" and also insert the words "spirit of the" before the word "compact;" and also strike out all after the word "interference" and insert "is inexpedient as well as unconstitutional, and calculated to injure the cause of gradual peaceable emancipation."

Mr. Chapman offered the following amendment to the amendment: "*Nevertheless we believe and maintain that, the liberty of the press and the freedom of speech are rights secured to every citizen of the United States by the constitution thereof, and that a candid, fair and temperate expression of opinion upon the character and tendency of the institutions of every nature on earth, whether they be civil, political or religious, is a natural right, recognized and sanctioned by the constitution of this State and of the United States, and can never be abridged without an infraction of both, and a palpable incroachment upon the right of the citizens.*"

Mr. Lane moved the previous question.

Mr. Kilgore moved to lay the joint resolution and pending amendments on the table, and the ayes and noes being requested thereon by Messrs. Peaslee and Bryce,

*Those who voted in the affirmative were*

Messrs. Alley, Blair, Chapman, Field, Healey, Hendricks, Kilgore, Kinney, Marshall, Mason, Matson, Noel, Terrell and Mr. Speaker—14.

*Those who voted in the negative were*

Messrs. Albertson, Anderson, Arnold, Baker, Boon, Bowles, Benton, Brown, Bryant, Bryce, Carr of J., Champer, Chiles, Cooper, Cotton of P., Cutter, Devin, Dole, Dumont, Egbert, Eggleston, Flint,

Glass, Graham, Gregory, Hanna, Herriman, Hubbard, Hurst, Jackson, Johnson of Marion, Jones, Lane, Lewis, Major, M'Clure, M'Nary, Monroe, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Pettit, Powell, Proffitt, Riley, Rose, Rush, Sands, Smydth, Spann, Stewart, Willey, Wilson of H—56.

So said resolution was not laid on the table.

The call for the previous question was then seconded by a majority of the House.

The question then recurred, Shall the main question be now put? and the ayes and noes being requested thereon by Messrs. Hubbard and Chapman,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Brown, Bryant, Bryce, Carr, of J., Champer, Chiles, Cooper, Cotton of P., Cutter, Devin, Dole, Dumont, Egbert, Eggleston, Flint, Glass, Graham, Hanna, Hendricks, Herriman, Hurst, Johnson of Marion, Jones, Judah, Kinney, Lane, Major, Marshall, Mason, McClure, M'Nary, Monroe, Morgan, Nelson, Parker, Peaslee, Pettit, Powell, Proffitt, Riley, Rush, Sands, Smydth, Spann, Stewart, Willey, Wilson of H., and Mr. Speaker—59.

*Those who voted in the negative were*

Messrs. Blair, Chapman, Field, Healey, Hubbard, Jackson, Kilgore, Lewis, Matson, Morrow, Noel, Owen and Terrell—13.

So it was decided that the main question should now be put, which was,

Shall the bill be engrossed?

And the ayes and noes being demanded thereon by Messrs. Proffitt and Bryce,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Blair, Boon, Bowles, Brenton, Brown, Bryant, Bryce, Carr of J., Champer, Chiles, Cooper, Cotton of P., Cutter, Devin, Dole, Dumont, Egbert, Eggleston, Field, Flint, Glass, Graham, Gregory, Hendricks, Herriman, Hurst, Jackson, Johnson of Marion, Jones, Judah, Kinney, Lane, Lewis, Major, Marshall, Mason, Matson, M'Clure, M'Nary, Monroe, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Pettit, Powell, Proffitt, Riley, Rose, Rush, Sands, Smydth, Spann, Stewart, Terrell, Willey, Wilson of H., and Mr. Speaker—65.

*Those who voted in the negative were*

Messrs. Chapman, Healey, Hubbard, Kilgore and Noel—5.

So said joint resolution was ordered to be engrossed for a third reading on to-morrow.

On motion the House adjourned until 9 o'clock to-morrow morning.

SATURDAY, DEC. 29, 1838.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the President of the State Bank, in answer to a resolution of the House, on the subject of increasing the capital stock of the State Bank and Branches; which was read and referred to the Committee on Ways and Means, and two hundred copies ordered to be printed.

Mr. Herriman presented the petition of William H. Potter and others, praying for the location of a State road from Auburn in De Kalb county, to Fort Michael in Noble county; which was referred to the Committee on Roads.

Mr. Owen presented the petition of William Harris and others, praying an act to be passed to authorize David Waller and Mary Berry Johnson, administrators of the estate of Wilson Jolly Johnson, deceased, to make deeds for certain lots in the town of New Baltimore, and for other purposes; which was referred to a select committee of Messrs. Owen, Devin and Lane.

Mr. Terrell presented the petition of David Newson and others, praying for a law to be enacted, leaving it discretionary with Millers to grind grain for distillation; which was read and referred to the select committee heretofore appointed on similar petitions.

Mr. Willey presented the petition of Wiley Reagon and others, praying for the vacation of part of a State road therein named; which was referred to a select committee of Messrs. Willey, Mason and Hubbard.

Mr. Field presented the petition of James Scott and others, praying that no alteration be made in the judicial circuits of this State, so as to take Clark county out of the second circuit;

Which was read and referred to the select committee appointed to inquire into the expediency of reforming and equalizing the several circuits of the State.

Mr. Alley presented the petition of sundry citizens of Rush county, on the subject of a McAdamized road therein named;

Which was read and referred to the committee on canals and internal improvements.

Mr. Morgan presented the petition of Job Pugh and others, praying for a Turnpike McAdamized road from Rushville to the Whitewater Canal;

Which was read and referred to the committee on canals and internal improvements.

Mr. Hubbard, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:—

The Committee of Ways and Means; to which was referred a resolution inquiring into the expediency of so amending the Revenue law as to make it the privilege of the payers of tax on non-resident lands to pay the same to the County Clerk;

Also, the resolution inquiring into the expediency of receiving the premium on wolfscalps, so as to include Prairie wolves, had the same under consideration, and have directed me to report that it is inexpedient to legislate on the subjects embraced in the resolutions at this time.

The House concurred in the first branch of the report, and refused to concur in the second.

Mr. McClure moved to refer the second branch of said report to a select committee with instructions to report a bill giving a premium on large and Prairie wolf scalps. And the ayes and noes being requested thereon, by Messrs. Proffitt and McClure,

*Those who voted in the affirmative were*

Messrs. Blair, Boon, Bowles, Brenton, Brown, Bryant, Bryce, Chapman, Cline, Clymer, Dole, Egbert, Eldridge, Glass, Gregory, Hanna, Healey, Hendricks, Herriman, Hunt, Johnson of Marion, Judah, Kilgore, Kinney, Lee, Major, McClure, McNary, Nelson, Owen, Pettit, Sands, Smydth, Spann, Vance, and Mr. Speaker—37.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Carr of J., Champer, Chiles, Cooper, Cotton of P., Cutter, Devin, Dumont, Eggleston, Field, Flint, Graham, Helmer, Hubbard, Hurst, Jackson, Johnson of Monroe, Jones, Lane, Lewis, Marshall, Mason, Matson, Monroe, Morgan, Morrow, Noel, Parker, Peaslee, Powell, Proffitt, Riley, Rose, Stewart, Terrell, Truelock, Willey, and Wilson of H.  
—43

So said report was not so referred.

On motion of Mr. Proffitt said report was laid on the table.

Mr. McClure from the select committee for that purpose appointed made the following report:

MR. SPEAKER —

The select Committee to whom was referred bill of the House

No. 106, To amend an act entitled An act to amend an act incorporating the Buffalo and Mississippi Railroad Company, have had the same under consideration, and have directed me to report it back without amendment. The House concurred in the report of the committee, and said bill was read a second time, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Smydth,

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of repealing that portion of the act for the encouragement of education, approved Feb. 2, 1833, which exempts persons from performing military duty, by paying one dollar per annum into the seminary fund of their respective counties, with leave to report by bill or otherwise.

On motion of Mr. Powell,

*Resolved*, That the Committee on Elections be instructed to inquire into the expediency of amending the law regulating general elections, so as to provide a remedy where return judges, or any one of them, fails to meet, and compare the returns according to law.

Mr. McNary offered the following resolution for adoption;

*Resolved*, That the Speaker of this House, when he certifies the accounts of members, be directed to deduct the time from each account that any member may be absent from the business of the House, as well as the time during the adjournment over the Holidays, so that no member shall be entitled to receive any compensation except for the time actually in service, except in case of sickness.

Mr. Field offered the following amendment to said resolution: "And excepting the days allowed for for recess by the resolution therefor,"

Which amendment was adopted.

On motion of Mr. Proffitt, said resolution as amended was laid on the table.

On motion of Mr. Smydth,

*Resolved*, That the Judiciary Committee be instructed to inquire into, and report to this House the constitutionality of detaching territory from counties in this State formed since the adoption of the Constitution, and containing a less number than 400 square miles, and attaching the same to other, or for the formation of new counties.

Mr. Chiles offered for adoption the following resolution:

*Resolved*, That the Committee on Modification be respectfully requested to inform this House, what the exact meaning of the word *Modification* is, as applied to the works of Internal Improvements in the State of Indiana; whether it means a change in the manner of prosecuting the works embraced in the system of 1836, or whether it contemplates a clasfisation or suspension of any of these works?

Before any action was had thereon, the House adjourned until 2 o'clock, P. M.

*Two o'clock, P. M.*

House met, and proceeded to the consideration of the resolution pending at adjournment; which was, on motion, laid on the table.

On motion of Mr. Judah,

*Resolved*, That the Auditor of Public Accounts inform this House whether the Canal lands granted by Congress, and heretofore sold by the State, are subjected to taxation, and if not taxed, then to state the law which so exempts them.

On motion of Mr. Judah,

*Resolved*, That the Board of Internal Improvements inform this House, as soon as may be practicable, whether Mr. Burr, the Engineer on the Wabash has made any report, or given any information to them, or to any member of their Board, respecting his operations on the Wabash during the past season, and what it is; and also that they inform this House whether a report relative to the Wabash improvement may be soon expected; and when.

On motion of Mr. Blair,

*Resolved*, That the Committee on Public Buildings be instructed to inquire into the expediency of selling the Governor's Circle, and disposing of the proceeds of the sale thereof; with leave to report by bill or otherwise.

Mr. Healey introduced bill

No. 108, relative to the connection of the White-water Canal with the Central Canal; which was read and passed to a second reading on to-morrow.

Mr. Dumont introduced bill

No. 109, to incorporate the Dearborn county Seminary; which was read twice, the rule being suspended, and referred to the Committee on Corporations.

The House then went into the orders of the day.

Bills on their second reading—

No. 84, to regulate the jurisdiction and duties of Justices of the Peace in Allen county;

No. 85, for the relief of Edward Gird, Collector of Shelby county;

No. 86, to amend an act entitled An act to regulate marriages;

No. 14, of the Senate, relative to State roads in Laporte county;

No. 90, of the House, to amend an act entitled An act for the relief of the poor;

No. 91, to amend an act entitled An act relative to the duties of Clerks;

Were each read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 88, to amend an act entitled An act relative to the fees of certain persons therein named; was read a second time, and referred to the Judiciary Committee.

No. 7, of the Senate, establishing Circuit Courts and defining their powers and duties; was read a second time, and on motion of Mr. Kinney, referred to the Judiciary Committee, with instructions to inquire whether any, and if any, what amendments are necessary in the acts concerning the practice at law and in Chancery in this State.

No. 92, to refund certain moneys to the several counties therein named; was read a second time, and on motion of Mr. Smydth, referred to a select committee of Messrs. Smydth, Kinney, Boon, Blair, Noel, and Eldridge.

Mr. Monroe was added to the Committee on Ways and Means.

The following message was received from the Senate by Mr. Test their secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution:

*Resolved*, That the House of Representatives be respectfully requested to furnish the Senate a copy of the documents transmitted to it by the Governor, in

relation to the further selection of lands to aid in the construction of the Wabash and Erie Canal.

On motion, the House adjourned until 9 o'clock, Monday morning.

## MONDAY, DEC. 31, 1838.

House met pursuant to adjournment.

Mr. Arnold presented the petition of Virgil Dowden and others, on the subject of a school district in Dearborn county, which was referred to a select committee of Messrs. Arnold, Eggleston, Dumont and Conaway.

Mr. Hurst presented the petition of P., M'Ginly, praying for relief, which was referred to a select committee of Messrs. Hurst, Kinney, Judah, Proffitt and Marshall.

Mr. M'Carty presented the petition of N. H. Adams and others praying for a change in the State road leading from Brookville to Harrison, which was referred to a select committee of Messrs. M'Carty, Matson and Willey.

Mr. M'Carty presented another petition on the same subject, which was referred to the same committee.

Mr. Chapman presented the petition of John Vanmeter and others, praying for a certain county road therein named, to be declared a State road, which was referred to the committee on roads.

Mr. Dumont presented the petition of Arthur St. Clair and others, praying for the repeal of the Act incorporating the townships of Dearborn county, which was referred to a select committee of Messrs. Dumont, Eggleston, Conaway and Arnold.

Mr. Milroy presented the petition of John Smith and others, praying for an act to be passed to authorize the construction of a bridge across the side cut at Wabash dam No. 4.

Mr. Kenton presented the petition of Peter Price and others on the same subject, both of which were referred to the committee on canals and internal improvement.

Mr. Cline presented the petition of John C. Ball and others, praying for an act of incorporation to build a bridge across the Kankakee river;

Which was read and referred to a select committee of Messrs. Cline, Egbert, Perine and M'Clure.

Mr. Cline presented the petition of William K. Talbott and others, on the subject of a State road therein named;

Which was referred to a select committee of Messrs. Cline, Egbert, Perine and M'Clure.

Mr. Hubbard from the committee on ways and means made the following report:

MR. SPEAKER—

The committee of ways and means to which was referred various petitions on the subject of printing the laws of this State in the German language have had the same under consideration, and have directed me to report, that notwithstanding your committee cannot report favorably at this time to the prayers of the petitioners, yet we think they have strong claims on the consideration of the Legislature, inasmuch as a very respectable portion of our fellow citizens are Germans, who willingly contribute to the support of schools and other beneficial State institutions, and share in common with their fellow citizens all public burdens; and that from necessity as well as choice are compelled to use the language in which they have been educated in their intercourse with each other. That in consequence thereof they are in a great measure unacquainted with the constitution and laws of this their adopted State, and with their legal liabilities, as well as their rights and privileges, have not the means within their reach to inform themselves. For those as well as many other reasons which might be urged, your committee believe the time is not far distant when it will be proper for the Legislature to take steps to accommodate with the laws in their own language this worthy portion of our citizens, but as the State has just gone into and completed a revision of the laws, your committee think the present would not be a proper time to go into a translation of our laws into the German language.

They therefore ask to be discharged from a further consideration of the subject.

R. J. HUBBARD.

The House concurred in said report by consent.

Mr. Chiles from the committee on the judiciary made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred bill

No. 58, amendatory to an act entitled An act authorizing a change of venue in certain cases therein named, approved Feb. 20, 1838, have had that subject under consideration, and directed me to report said bill back to the House without amendment. Said bill was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Cutter made the following report:

The select committee to whom was referred the petition of Cornelius Johnson and others, praying for the location of a State road in Vigo county have had the same under consideration, and have instructed me to report the following bill:

No. 110, to locate a State road in Vigo county.

Which was read twice, the rule being suspended, and,

Ordered to be engrossed for a third reading on to-morrow.

Mr. Hubbard made the following report.

MR. SPEAKER—

The select committee to which was referred a petition of sundry citizens of Wayne, Henry and Rush counties, praying for a location of a State road from Milton in Wayne county, between townships 15 and 16, until it intersects the State road leading from Connersville to Louisville in Henry county, have had the same under consideration and have directed me to report the following bill:

No. 111, providing for a State road from Milton in Wayne county, and for other purposes;

Which was read and passed to a second reading on to-morrow.

Mr. Cotton of P. made the following report:

MR. SPEAKER—

The select committee to whom was referred a resolution on the subject of a state road, have had the same under consideration and directed me to report bill

No. 112, to locate a state road therein named; which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

The following message was received from the senate by Mr. Test, their secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolutions, viz:

*Resolved*, That whereas this Senate has been informed by his Excellency, the Governor, that all the documents relative to the late removal of the Pottawattomie Indians from our state, called for by the Senate, have been furnished the House of Representatives, and are not now in the possession of his excellency, the Governor. Therefore,

*Resolved*, That the Speaker of the House of Representatives be, and he is hereby respectfully requested to cause to be furnished to the Senate copies of said documents, namely; copies of all the correspondence between his excellency the Governor, and Col. A. C. Pepper, superintendent relative to the late removal of the Pottawattomies from our state, at as early a day as may be convenient, and also furnish the Senate with a copy of the correspondence between the Executive and the Commissioner of the General Land office, in relation to the selection of lands for the continuation of the Wabash and Erie canal.

On motion of Mr. Willey,

*Resolved*, That the judiciary committee be instructed to inquire into the propriety of so amending the law regulating the duties of the several officers of state, whose duty it is to report their proceedings to the General Assembly annually, as to make it their duty to make

their respective reports ten days prior to the first day of the next meeting of the General Assembly, and deposite a copy of the same with the State printer, and superintend the printing of the same, so as to have the same ready for the two Houses as soon as they may be organized; with leave to report by bill or otherwise.

On motion of Mr. Graham,

*Resolved*, That the committee of ways and means be requested to inquire into the expediency of so amending the revenue law, as to make it the duty of the clerks, in making out the duplicate tax lists for the collector of the revenue, to place in separate columns opposite each tax-payer's name, the amount assessed for internal improvements, the amount for state purposes, and the amount for county purposes; with leave to report by bill or otherwise.

On motion of Mr. Chapman,

*Resolved*, That the committee on elections be instructed to inquire into the expediency of making the individual, contesting an election of county and township officers, liable for the cost that may accrue on such contested election, when he may fail to succeed in such contest; to report by bill or otherwise.

On motion of Mr. Lane,

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the school law, as to make it the duty of the school commissioner to loan out as principal, all moneys that may come into his hands, by virtue of an act to provide a fund to encourage common schools, and that only the interest shall be subject to distribution; and also, to provide that the amount received from the loaning agent of the surplus revenue of the United States, be added to the permanent fund; and also, to inquire into the expediency of providing by law, for the distribution of the fund in the several branch banks, arising from the tax of 12 $\frac{1}{2}$  cents on a share, annually, in the several counties of the bank districts, according to the amount of stock owned in each county; to be added to the permanent fund.

On motion Mr. Proffitt,

*Resolved*, That the committee on canals and internal improvement be instructed to inquire into the expediency of providing for a remodelling of the board of internal improvement, so as divide the State into five districts, and for the appointment of a commissioner of public works, in each district; to reduce the board of fund commissioners to one; and to make such other modifications of the system as the committee may deem necessary.

On motion of Mr. Cutter,

*Resolved*, That the judiciary be instructed to inquire into the expediency and practicability of enacting a law to compel persons or companies bringing salt into this state to re-weigh the same before selling, and to take pay for no more than they shall absolutely furnish to the purchaser.

*And further*, If some law cannot be enacted which shall prevent

the monopoly of salt within this state in the manner in which it is now monopolized; or if there can be no protection extended to our citizens against the impositions of the importers of salt; with leave to report by bill or otherwise.

Mr. Bryce made the following report, leave being granted him for that purpose:

MR. SPEAKER—

The committee on the unfinished business of last session, have instructed me to make the following

### REPORT:

The committee to whom was referred an inquiry into the circumstance which produced the delay in publishing the laws of the last session of the General Assembly, and the omission to include and publish in the revised code of 1838 several statutes which were ordered to be published, respectfully report that after a full examination of the subject, they have come to the conclusion that the Secretary of State, whose testimony is herewith submitted, has not subjected himself to any censure from the failure complained of in not sooner distributing the laws, it appearing to the committee that he used all diligence in having them published and distributed as soon as they were furnished to him by the printer. How far his reasons for not having the omitted laws printed, can be sustained, the House will be fully able to decide from his testimony herewith submitted. To your committee, however, it seems, that from all the circumstances, he acted the part of a prudent agent, and although he assumed some responsibility, yet that his course in that respect has been of benefit to the state. It seems to your committee that the delay in having the laws out on a certain period was occasioned wholly by the public printer. How far they are reprehensible, the House will be able to decide from the testimony of Mr. Noel, one of the editors charged with the public printing. Your committee, however, are of the opinion that they ought to have used greater exertions, and that the State had a right to expect it of them.

Your committee have learned that the secretary of state has withheld from the printers of the laws the sum of \$620, which they have forfeited by their failure to comply with their contract in the time allowed them by law.

On motion of Mr. Smydth, said report was laid on the table.

Leave of absence was granted to Messrs. Brown and Lee, on account of sickness.

Mr. Anderson introduced bill

No. 113, to provide for the election of county treasurers, and for other purposes;

Which was read twice, the rule being suspended, and

On motion of Proffitt,

Referred to the committee of the whole House, and made the order of the day for Saturday next.

Mr. Judah introduced, bill

No. 114, concerning Knox, county.

Mr. Johnson of Monroe, bill

No. 115, to change the names of certain persons therein named, and for other purposes.

Mr. Cooper, bill

No. 116, to authorize John Davis to convey certain property therein named;

Which were each read and passed to a second reading on to-morrow.

On motion, the House adjourned until 2 o'clock P. M.

*Two o'clock, P. M.*

House met.

Mr. Noel introduced bill

No. 117, to prevent the payment of interest on State bonds, out of the principal.

Mr. Hubbard, bill

No. 118, to authorize notary publics to solemnize marriages.

Mr. McCormick, bill

No. 119, to allow justices of the peace additional fees in certain cases.

Mr. Cline, bill

No. 120, concerning the Logansport and Chicago State road.

Which were each read and passed to a second reading on to-morrow.

On motion of Mr. Milroy, bill

No. 57, to amend an act entitled An act subjecting real and personal estate to execution, approved February 4, 1831, was taken from the table, and referred to the committee of the whole, and made the order of the day for to-morrow.

Mr. Sands presented the report of the President of the Leavenworth and Bloomington Railroad Company;

Which was read and laid on the table.

The House then proceeded to the orders of the day.

Bills of the House—

No. 94, memorial and joint resolution on the subject of a mail stage line from Indianapolis to Evansville;

No. 95, on the subject of locating the northern end of the Central Canal;

Were each read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 98, to amend an act entitled An act to provide for a general system of Internal Improvements;

Was read a second time, and referred to a select committee of Messrs. Wyman, Cooper, Hubbard, Jackson, and Healey.

No. 99, to revive an act entitled An act to incorporate the town of Perryville in Vermillion county;

Was read a second time, and referred to a select committee of Messrs. Blair, Dole, and McCormick.

No. 100, to amend an act entitled An act to regulate the jurisdiction and duties of Justices of the Peace;

Was read a second time; and,

On motion of Mr. Cooper, referred to the judiciary committee.

No. 104, joint resolution in relation to the manuscript journals of the House,

Was read a second time, and referred to a select committee of Messrs. Monroe, Bryce, and Owen.

No. 108, relative to the connection of the Whitewater and Central canals,

Was read a second time, and referred to the select committee appointed on No. 98.

On motion, Mr. Kilgore was added to said committee.

Bills on their third reading. —

No. 55, to vacate a part of the town of Lebanon, in Jackson county;

Was read a third time; and,

On motion of Mr. Truelock, recommitted to a select committee of Messrs. Truelock, Carr of J., and Monroe.

No. 30, to authorize the Board of Internal Improvement to construct a tow-path in Clay county;

Was read a third time; and,

On motion of Mr. Peaslee, laid on the table.

No. 41, joint resolution on the subject of the Journals of the House and for other purposes, was read; and,

On motion of Mr. Mason, laid on the table.

No. 45, to change the mode of doing county business in Hendricks county, was read; and,

On motion of Mr. Brenton, referred to a select committee, of Messrs. Brenton, Hanna, and Champer.

No. 40, to locate a State road from Winchester to Bluffton,

Was read, and referred to the committee on roads.

No. 50, to change the mode of electing county Commissioners in Spencer county, was read; and,

On motion of Mr. Kinney, referred to a select committee.

*Ordered*, That Messrs. Kinney, Jones, and Cotton of P., be such committee.

No. 79, joint resolution on the subject of the Slave States; was read a third time; and the question being Shall it pass? the ayes and noes being requested thereon by Messrs. Herriman and Chiles,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Anderson, Arnold, Baker, Blair, Boon, Bowles, Brenton, Bryant, Bryce, Carr of J., Carr of L., Champer, Chapman, Chiles, Cline, Clymer, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dole, Dumont, Fgbert, Eggleston, Eldrige, Field, Flint, Glass, Graham, Gregory, Hanna, Helmer, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kenton, Kinney, Lane, Lewis, Major, Marshall, Mason, Matson, McCarty, McClure, McCormick, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Parker, Peaslee, Pettit, Powell, Proffit, Reynolds, Rose, Rush, Smydth, Spann, Stewart, Ter-

rell, Thompson, Townsend, Truelock, Vance, Willey, Wilson of H., Wines, Wyman, and Mr. Speaker—87.

Mr. Healey—1.—Voted in the negative.

So said joint resolution passed.

Ordered, That it be carried to the Senate, and their concurrence requested therein.

No. 83, to amend an act regulating roads and highways, was read a third time; and referred to the committee on roads.

No. 62, declaring a misprint, was read; and, on motion, laid on the table.

No. 67, to provide for the construction of a tow path from the St. Joseph feeder dam to Cedarville, was read; and,

On motion of Mr. Pettit, laid on the table.

No. 75, to locate a State road therein named, was read; and, on motion, laid on the table.

No. 90, to amend an act entitled An act for the relief of the poor, was read;

And, on motion of Mr. Powell, laid on the table.

No. 9, of the Senate, making an allowance to John Course, for appropriating a part of the three per cent. fund of Fountain county,

Was read a third time and passed.

No. 10, to amend an act entitled An act to incorporate the Perry county Seminary,

Was read a third time and passed.

No. 29, of the House, respecting roads in Park county;

No. 30, to authorize Samuel L. Olmsted to build a mill dam across Pigeon creek;

No. 39, appointing Isaac Colman commissioner to make deeds on the part of the heirs of Hollingsworth, for lots in the town of Att'ca;

No. 44, for the relief of John Shelley.

No. 46, to amend an act entitled An act to regulate the mode of doing county business in this State;

No. 53, to improve little Raccoon creek in Park county;

No. 43, to amend an act entitled An act regulating county boundaries;

No. 69, to authorize the election of an additional Justice of the Peace in Montgomery and Knox counties;

No. 81, to amend an act entitled An act incorporating the Mayor and common council of the town of Lafayette;

No. 59, to locate a State road in Green county.

No. 9, to amend an act entitled An act to incorporate the Jeffersonville Savings Institution;

No. 93, to legalize the name of Nathan Walden;

No. 97, to vacate a State road from Albany to Burlington in Delaware county.

No. 66, to provide medical aid, care and attendance for laborers on the public works during sickness;

No. 68, relative to a side cut canal opposite the town of Clinton;

No. 70, to repeal an act entitled An act attaching town 19, N. R., 4 E., to town 19, N. R., 5 E.

No. 73, to change the mode of doing county business in Bartholomew county;

No. 76, to legalize the sale of certain school lands in Clinton county.

No. 87, to amend an act entitled An act to incorporate the Eel river Bridge company;

No. 103, to legalize the acts of Wesley Park;

No. 105, relative to a State road in the counties of Spencer and Warrick;

No. 47, to incorporate the town of Jeffersonville;  
 No. 27, to incorporate the town of Mount Carmel;  
 No. 85, for the relief of Edward Gird collector of Shelby county;  
 No. 84, to regulate the jurisdiction and duties of Justices of the Peace in Allen county;

No. 91, to amend an act entitled An act to regulate the duties of clerks;  
 No. 86, to amend an act entitled An act to regulate marriages;  
 No. 106, to amend an act entitled An act incorporating the Buffalo and Mississippi railroad company; were each read a third time, and passed.

*Ordered*, That they be entitled 'Acts,' and that the clerk carry them to the Senate and ask their concurrence therein.

No. 14, of the Senate, relative to a State road in Laporte county, was read a third time and passed.

On motion, the House adjourned.

TUESDAY, JANUARY 1, 1839.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Auditor of Public Accounts;

Which was read and,

On motion of Mr. Judah, referred to the committee on Ways and Means.

The Speaker, also, laid before the House a communication from the Treasurer of State;

Which was read and referred to the joint committee on public buildings.

Also, the following report from the Board of Internal Improvement.

OFFICE OF THE STATE BOARD OF INTERNAL IMPROVEMENT,  
*Indianapolis, December 31, 1838.*

In obedience to the resolution of the House of Representatives, of the 29th inst., directing this Board, as soon as practicable, to inform the House whether Mr. Burr, the Engineer on the Wabash, has made any report &c., the board respectfully state, that no official report for the past season has been as yet received by the Board, or by any member of the Board, within their knowledge: That Mr. Burr was expected here by the 11th inst., and that his absence cannot be accounted for, unless it be owing to sickness, or some recent order received from the proper authority of Illinois,

Mr. Burr has been written to by the acting commissioner on the part of this State to repair to this place immediately.

I have the honor to be, &c.

D. H. MAXWELL,

Pres't State B. Int. Imp.

Mr. Wines presented the petition of John How and others, on the subject of a State road from Indianapolis to Marion, in Grant county;

Which was referred to a select committee of Messrs. Wines, Hunt and Thompson.

Also, the petition of William Dixon and others, on the subject of the Boards doing county business;

Which was read and referred to the Judiciary committee.

Mr. Wilson presented the petition of Craven Lynn and others, in relation to a State road from Corydon to New Albany;

Which was read and referred to a select committee of Messrs. Wilson, Albertson and Stewart.

Mr. Hubbard presented the petition of sundry citizens of Wayne county, praying the aid of the State in the construction of the East Fork canal.

Mr. Morrow presented a petition on the same subject.

Both of which were referred to the committee on canals and internal improvement.

Mr. Helmer presented the petition of Jane Owen, praying certain acts therein named to be legalized;

Which was read and referred to the Judiciary committee.

Mr. Hunt presented the petition of Joseph Rodkin and others, on the subject of a McAdamized road from Hagerstown in Wayne county, to Winchester in Randolph county;

Which was referred to a select committee of Messrs. Hunt, Wines, and Vance.

Mr. Lane, from the committee on Elections made the following report.

MR. SPEAKER—

The committee on elections to whom was referred a resolution inquiring into the expediency of equalizing the several congressional districts in this State, have had the same under consideration, and have directed me to report it inexpedient to legislate on the subject, and ask to be discharged from the further consideration of the same.

The committee have also had under consideration a resolution inquiring into the expediency of making it a penal offence for persons not legally entitled to the right of suffrage, to offer a vote at the General or other elections in this State, and have directed me to report it inexpedient to legislate on the subject and ask to be discharged from the further consideration of the same.

The House concurred in the report of the committee and they were discharged.

Mr. Judah from the committee on the Judiciary made the following

## REPORT ;

MR. SPEAKER—

The committee on the judiciary have had under consideration the resolution of the House relative to private banking, and have directed me to report as follows:

Banking, in all its relations, whether dealing in the precious metals and in exchange, or embracing the production and distribution of a paper circulation, is a mere trade; a branch of commerce; and as such, is open to all men, to a free competition, in all civilized countries, unless restrained by law. At common law, always, any man or company of men, might set up a bank of deposite, discount, or circulation, or of either. The only restraint is a natural one: the necessity for a certain quantity of real capital and established credit, to secure the confidence of a sufficient number of customers to make the business profitable.

The first restraint on banking in England is to be traced to the charter of the bank of England, granted in 1694; after which, in 1708, it was provided that no partnership of more than six persons, should issue notes payable on demand, or at a less time than six months after date. Since 1826, this restriction has been qualified, and is now confined to such partnerships, in London, or within 65 miles of it.

In Ireland a similar restriction was made in 1783, but no such restriction exists in Scotland. The Bank of Scotland was established in 1695, and for 21 years enjoyed the sole privilege of issuing notes; but since 1716, banking in Scotland has been open to free competition. It is well to observe, that the English, Irish, and Scotch restrictions on banking were not intended to secure the public against any injury from private banking, but were intended to give to those Banks the superior advantages of a monopoly.

Restrictions on private banking have been provided in many states of this Union, and in some of them at an early period. Some of the New England states adopted this policy as early as 1799, particularly Massachusetts and New Hampshire. Similar restrictions did exist in New York until lately, and do now exist in Michigan, Vermont, Virginia, Delaware, Connecticut, and Missouri. But such restrictions do not exist in Maryland, in Pennsylvania, in Tennessee, and in some other states.

It may be observed, that these restrictions may, in all cases, be traced to the interested influence of chartered Banks, constantly on the alert to secure to themselves a full enjoyment of a monopoly.

In Indiana the right of private banking seems to have been uniformly recognized, both whilst a Territory and since, in the legislation on this subject. An act entitled An to prevent swindling, approved Dec. 20th, 1815, professed to attempt to reach private and secret associations. In the preamble Private Banks are expressly recognized, and the act only applies to notes issued as bank notes, by persons whose names do not appear on the face.

In the revised laws of 1818 this act was incorporated in the act respecting crimes and punishments, page 79, sect. 11, and now forms the 30th section of the present act; of course, without the preamble.

This act clearly admits the right of private banking; the right in individuals to issue notes as a circulating medium; in fact, bank notes; but it does require, in order to prevent imposition, that the names of the *Bankers* shall be expressed on the face of each note. This law, then, is not a restriction on the common right, it is only a regulation of the manner in which it shall be exercised.

The 10th article of the constitution provides, "that there shall not be *established* or incorporated in this state, any bank or banking company or moneyed institution, for the purpose of issuing bills of credit, or bills payable to order or bearer: *Provided*, that nothing herein contained shall be so construed as to prevent the General Assembly from *establishing* a State Bank and Branches, not exceeding one branch for every three counties, to be *established* at such place, within such counties as the directors of the State Bank may select; provided there be subscribed and paid, in specie, on the part of individuals, a sum equal to thirty thousand dollars: *Provided also*, that the bank at Vincennes and the Farmers' and Mechanics' Bank of Indiana, at Madison, shall be considered as incorporated banks, according to the true tenor of the charters granted to said banks by the legislature of the Indiana Territory: *Provided*, that nothing herein contained shall be so construed as to prevent the General Assembly from adopting either of the aforesaid banks as the State Bank, and in case either of them shall be adopted as the State Bank, the other may become a branch, under the rules and regulations herein before described;" and the principal question is this: what is the proper construction of the words, "established or incorporated" in this section of the constitution. We believe that the words mean the same thing substantially.

The word "establish" is used three times in this section of the constitution? In the second place, it clearly means the creation of an institution by act of the legislature; and in the third place it means the same thing; it is not easy to say why it should have a different meaning in the first place; especially as that meaning perfectly agrees with the definitions of learned men, and the use of it in other parts of the constitution. Dr. Johnson gives as a definition of "establish" the following: "to settle firmly," "to fix unalterably," and Mr. Webster gives the following: "to enact or to decree by authority;" and in this sense it is used in the constitution of Indiana, in the preamble twice, and in article 5, section 1.

The word "incorporate," as a legal expression, means something more than simply to establish. It means to establish with certain privileges, those privileges usually belonging to corporations at common law. If this be the proper construction of these words in the first clause of the 10th article, its meaning is this: the legislature shall not establish, with or without the usual corporate privileges, any institution for the purpose of issuing bank notes. This is its plain English.

There are some recollections, which may serve to shew the understanding of the parties more immediately connected with the history of this part of the constitution. This 10th article was reported to the convention by the Hon. James Noble; a man of vast and varied intellectual powers, honestly and sincerely directed, for a long period, to the welfare and prosperity of Indiana. This gentleman was a member of the legislature of 1815, which enacted the law above mentioned. That law, it is said, was intended to reach a banking institution at New Lexington, (supposed to be a swindling concern,) by compelling a disclosure of the names of the persons concerned.

Not long after the constitution was adopted, a private banking company went into operation at Brookville, the residence of James Noble, and one of his brothers, well known in the state, as well as a member of this House, who was a prominent member of the convention, were members of it; about the same time, the Vincennes Steam Mill company, with a learned and influential member of the convention, Judge Parke, at its head, assumed banking powers and issued notes.

With such examples before us, we cannot think that the convention intended to prohibit, or that its members considered that they had prohibited, private banking, or the formation of banking companies by individuals.

The 10th article is a restriction on the power of the legislature to create monopolies; but it takes no right from the individuals who compose the people of the state. They are left at liberty, restrained only by those results, which necessarily accompany free competition in every branch of business.

But there are two difficulties, perhaps, unless a change is made by act of the legislature. The first is the criminal code, which requires the names of all the parties concerned to be set out in the note.—Whether this would apply to companies, formed under the limited partnership act, may be well doubted; but on such a subject there should be no doubt.

The second is the act respecting bonds, bills, and notes; which only makes negotiable, by the law merchant, such notes as are payable at a chartered bank. However, these are mere straws, if the principle and the policy of private banking be right.

It is asserted then, that, under our constitution and laws, any man or set of men may set up a bank, and deal in specie and exchange, discount notes and issue bills.

Any set of men may form a partnership, under the general law of partnership and transact this business—and any men may form a limited partnership, and as such limited partnership, may transact this business. There is no substantial difference between the limited partners in a limited partnership and the members of a corporation.

In the one the limited partners risk only the amount of capital put in by each; in the other, the stockholders only risk the amount of stock held by each. In the one, the partners receive a dividend of profits, proportionate to each ones capital; and in the other the stockholders receive a dividend proportionate to the number of shares. In the corporation, the corporate property only is subject to debts; in the limited partnership, the partnership property and the property of the general partners only, is subject to debts.

The only difference, as our law now is, seems to be this: that the corporation may call itself after Owl creek, and the other must assume the names of men, of the general partners. And the question for serious consideration is this: Is it necessary, will it be proper, to restrain private banking by law?

By a restraining law, the Legislature may prohibit private banking; but by prohibition, we shall fall back behind the age we live in; we shall shut our eyes and close our ears to all the lights of our generation; we shall say to the civilized world, that to us, time brings no improvement; that for us, experience has no lesson.

By a restraining law, the Legislature may regulate the exercise of private banking. It may be regulated, whether exercised by an individual, by general partnerships, or by limited partnerships. It may be regulated as it is now regulated in England, or as it is regulated in New York, or otherwise; and probably, the New York regulations for private banking, are the best yet devised, whether we consider the reasonable convenience and profit of the Bankers, or the most complete security for the public.

The great principle assumed in the New York regulations is this:—That notes shall not be issued, until ample security is given to the public for the redemption of them. If this be done, if ample security be given to the public for the redemption of the notes; it is not easy to discover any well founded objection to free-banking; none, certainly, that can be sustained on just principles; none, consistent with any approved system of political economy, can be shown; none, but such as would sustain all the long abandoned fallacies of times past; the regulation of prices and wages, the duration of apprenticeships, the prohibition of the exportation of specie, sumptuary laws, and all those varied regulations, by which Governments formerly attempted to restrain the freedom of commerce, and to limit the wants of society. We may rest assured, that Banking once made free, like any other trade or business, will find its own limitation in the course of business; that the supply of credit, in the form of Bank paper, will be regulated by the demand, in precisely the same manner as the supply of any other commodity is regulated.

It seems to be acknowledged, that the most safe security for the issue of notes, is to be found in a deposit of State or National stocks;

and if not our own State stocks, then stocks at a rate equal to five per cent. State stocks at par. It is well known, that one of the great difficulties now experienced by those who have charge of our financial concerns, is the large quantity of Indiana State Stocks in the foreign market. This is a difficulty too, which, under the present improvement system, will continually increase; and any system of State policy which will serve to withdraw from the market a portion of our stocks, will greatly conduce to the public benefit. If, then, capitalists, either resident here, or in other states, or in foreign countries, are enabled by law to make a profit by an issue of notes upon the security of our stocks, in addition to the profit derived from the stock, an additional value is at once given to the stock, and an additional demand for it is created.

But security for the whole amount of paper issued need not be given by the deposits of stocks. In New York bonds and mortgages are taken for a part. There is no apparent objection, if any, to such security, in part. The object is to obtain a substantial security for the amount of paper issued; a sufficiency of such security to assure its final redemption; and this object may be as well attained by bonds and mortgages in part, if taken with proper precaution, as by stocks alone.

Convinced that there is no constitutional objection, and satisfied that free competition is as beneficial as monopolies are injurious in every branch of commerce, and in all the pursuits of life, the committee recommended the bill hereto annexed, in the belief that while it affords a complete security to the public, it also affords such advantages to individuals as will induce men of wealth and experience to embark in the business of Banking in this State.

Bill No. 121, To regulate private banking,

Which was read twice, the rule being suspended, and laid on the table.

The report was also laid on the table, and five hundred copies of both were ordered to be printed together.

Mr. Bryce, from the Judiciary Committee, made the following report :

Mr. SPEAKER—

The Judiciary Committee to whom was referred petitions from sundry citizens of the county of Dearborn, praying a repeal of the law organizing the special term of the circuit court in said county, has had the same under consideration, and instructed me to report, that legislation upon the subject of those petitions is, in the opinion of your committee, inexpedient : all of which is respectfully submitted.

The House concurred in the report of the committee.

Mr. Cooper, from the same committee, made the following report :

Mr. SPEAKER—

The Judiciary Committee, to whom was referred Bill No. 71, for

the relief of Mary Jane Peck, have instructed me to report it back to the House without amendment.

Said bill was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Dumont, from the same committee, made the following report :

Mr. SPEAKER—

The Judiciary Committee, to whom was referred a bill for the relief of William Huddleston, Thomas Huddleston, and Robert Huddleston, have had the same under consideration, and have instructed me to report it back with the following amendment :

Add to the first section the following: "*Provided*, That no person shall take said real estate as above provided for, who is not in the degree of kindred of widow, child, nephew, niece, or grand child, to the deceased, who would not have taken it if this act had not passed."

The House concurred in the report of the committee, and

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. McClure, from the same committee, made the following report :

Mr. SPEAKER—

The Judiciary Committee to whom was referred the petition of Charles Fullerton, praying that the official conduct of Elisha Embree, presiding Judge of the Gibson circuit court, might be inquired into, have had the same under consideration, and have directed me to report :

The committee believe in the right of petition by any citizen, when their rights are denied, or withheld from them; but they cannot but deprecate the *idea* of persons making the State Legislature a tribunal, at which, and before which they may indulge, by way of petition, all and every species of those vindictive feelings common to depraved nature, and disappointed ambition. The committee have carefully examined said petition, and cannot by the strictest eye of scrutiny (from the facts set forth in said petition) discover any impropriety in the conduct of Judge Embree, on the occasion referred to in said petition. The committee therefore ask to be discharged from the further consideration of said petition, and that the petitioner have leave to withdraw said petition.

Mr. Mason made the following report :

Mr. SPEAKER—

The select committee to which was referred the petition of Wm.

W. Wilson, have had the same under consideration and have directed me to report

Bill, No. 122, for the relief of William Wilson;

Which was read and passed to a second reading on to-morrow.

Mr. Spann made the following report :

Mr. SPEAKER—

The select committee to which was referred the petition of sundry citizens of Jennings county, have had the same under consideration, and directed me to report

Bill, No. 123, To locate a State road therein named; which was read and passed to a second reading on to-morrow.

Mr. Willey made the following report :

Mr. SPEAKER—

The select committee to whom was referred the petition of Wiley Reagan and others, have had the same under consideration, and directed me to report the following

Bill, No. 124, To amend an act entitled An act to establish certain State roads therein named;

Which was read and passed to a second reading on to-morrow.

Mr. Arnold made the following report :

Mr. SPEAKER—

The select committee to whom was referred the petition of Samuel H. Dowden and others, have directed me to report the following

Bill, No. 125, Concerning a school district in Dearborn county;

Which was read and passed to a second reading on to-morrow.

Mr. Kinney made the following report:

Mr. SPEAKER—

The select committee to whom was referred the bill entitled A bill to change the mode of doing county business in the county of Spencer, beg leave to report, that they have had the same under consideration, and have amended the same by striking out the word "passage," in the last line, and inserting in lieu thereof, the following, "publication in the Indiana Journal."

The House concurred in the report of the committee, and the amendment made to said bill was engrossed, and the bill read a third time and passed.

*Ordered*, That it be entitled An act, and that the Clerk carry it to the Senate and ask their concurrence therein.

On motion of Mr. Bryce,

*Resolved*, That the Fund Commissioners be requested to furnish to this House a statement, setting forth the full and exact amount of State bonds executed and sold by them from the year 1834 to this time, also

to whom, by whom, and at what rate they have been sold; and that they also report the amount of interest that has been paid by them upon the State debt, and from what fund or funds such interest has been taken, with the aggregate of interest accruing on the State debt, together with the total indebtedness of the State for Internal Improvements.

On motion of Mr. Dole,

*Resolved*, That the committee of Ways and Means be instructed to inquire into the expediency of incorporating into the Revised Code a section to exempt from the payment of taxes all capital invested in the manufacture of Iron and Salt within this State for a term of years, with leave to report by bill or otherwise.

On motion of Mr. Dumont,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of passing a law to authorize the School Commissioners to employ council in all matters appertaining to delinquent lands and town lots and their forfeiture for the non-payment of taxes; such council to be paid out of the monies arising from the redemption money paid on the redemption of such lands for taxes.

On motion of Mr. Hanna,

*Resolved*, That the committee on Public Buildings be instructed to inquire into the expediency of purchasing a permanent residence for the Governor, and also, of repealing all laws on the subject of house rent for that officer.

On motion of Mr. Arnold,

*Resolved*, That the committee charged with the examination of the delay of the printing of the journals of this House, be instructed to inquire if those public printers elected the last year have not abandoned the duties assigned them; and whether in fact there is any public printer to this House; and to report the result of their inquiry as soon as practicable.

On motion of Mr. Bowles,

*Resolved*, That the Board of Internal Improvement be requested to furnish this House with a comparative statement, showing the amount originally appropriated to each work of Internal Improvement, and the amount of contracts let upon each work; and also to inform this House in what ratio each work has exceeded the original estimates as based upon the original surveys made previous to the adoption of the Internal Improvement bill of 1836; and that the Clerk of the House be required to deliver a copy of this resolution to the President of the Board as early as possible.

Mr. Field offered for adoption the following resolution:

*Resolved*, That the Secretary of State be required to engage at the expense of the State, a competent reporter for this House, who shall be entitled to the same pay as Assistant Clerk;

Which was not adopted.

On motion of Mr. Healey,

*Resolved*, That the committee of Ways and Means be instructed to inquire into the expediency of applying the interest on all the surplus

revenue deposited with this State, to the payment of the interest on State bonds, to report by bill or otherwise.

The following report was made by Mr. Noel, from the committee on enrolled bills.

**MR. SPEAKER:—**

The joint committee on enrolled bills report, that they have this day compared the enrolled with the engrossed bill of the House,

No. 82, An act to amend an act entitled An act to authorize the loaning of the College Funds, approved February 17, 1838, and find the same correctly enrolled.

Mr. Morgan, from the committee on enrolled bills, made the following report:

**MR. SPEAKER—**

The joint committee on enrolled bills report, that they have this day compared the engrossed bill of the House with the enrolled bill,

No. 80, An act to amend an act entitled An act to incorporate the Mount Carmel and New Albany Railroad company, approved Feb. 4, 1837, and find the same truly enrolled.

Mr. Hunt offered for adoption the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the law, that when any person goes before a grand jury voluntarily, and causes another to be indicted, and such indictment fails, he shall be held responsible for cost; to report by bill or otherwise;

Which was not adopted.

On motion, the House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY. JANUARY 2, 1839.

House met pursuant to adjournment.

Mr. Gregory presented the petition of William Harrington and others, praying an act to be passed, to amend An act incorporating the Williamsport and Crawfordsville turnpike company;

Which was read and referred to a select committee of Messrs. Gregory, Bryce and Dole.

Mr. Milroy presented the petition of George Markle and others, praying for an act to be passed to tax certain lands for school purposes;

Which was read and referred to the committee on education.

Also, the petition of John Smith and others, praying for relief in certain cases therein named;

Which was read and referred to the committee on canals and internal improvements.

Mr. Brenton made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Simon S. Hadley and others, praying a special act to incorporate the town of Danville, in Hendricks county, have had that subject under consideration and have directed me to report the following bill,

No. 127, to incorporate the town of Danville;

Which was read and passed to a second reading on to-morrow.

Mr. Mason from a select committee made the following report:

MR. SPEAKER—

The two select committees to which was referred three several petitions, praying for charters for turnpike companies named in said petitions, have had the same under consideration and directed me to report bill

No. 127, to incorporate certain turnpike companies therein named;

Which was read and passed to a second reading on to-morrow.

Mr. Noel from the joint committee on enrolled bills, made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have this day presented to his Excellency, the Governor, for his signature and approval, act No. 80 of the House, entitled, An act to amend an act to incorporate the Mount Carmel and New Albany rail road company, approved, February 4th, 1837.

Leave of absence was granted to Messrs. Chiles, Kilgore, Earl, Allison, and Perine, on account of indisposition.

On motion of Mr. Peaslee,

Bill No. 54, to provide for the improvement of the Michigan road north of Napoleon, was taken from the table and read a second time.

Mr. Dumont moved to lay it on the table; and the ayes and noes being requested thereon by Messrs Eldridge and Peaslee,

*Those who voted in the affirmative were*

Messrs. Albertson, Anderson, Arnold, Baker, Bowles, Carr of J. Cooper, Conaway, Cotton of S., Cutter, Devin, Dole, Dumont, Eggleston, Flint, Graham, Healey, Helmer, Hubbard, Hunt, Hurst, Johnson of Monroe, Kinney, Lane, Lewis, Mason, Matson, McCarty, McNary, Noel, Owen, Parker, Puett, Riley, Rose, Sands, Spann, Stewart, Townsend, Truelock, Willey, Wilson of H., Wyman—43.

*Those who voted in the negative were*

Messrs. Alley, Boon, Brenton, Bright, Bryant, Bryce, Carr of L.,

Champer, Chapman, Cline, Clymer, Cogswell, Cotton of P., Egbert, Eldridge, Field, Glass, Hanna, Hendricks, Herriman, Jackson, Johnson of Marion, Jones, Judah, Kenton, Major, Marshall, McClure, McCormick, Milroy, Monroe, Morgan, Morrow, Nelson, Peaslee, Pettit, Powell, Proffitt, Reynolds, Rush, Smydth, Terrell, Thompson, Vance, Williams, Wilson of M., and Mr. Speaker—48.

So said bill was not laid on the table.

Mr. Healy moved to amend said bill, by striking out "\$300,000," and inserting in lieu thereof \$150,000; which was negatived.

Mr. Kenton moved to amend the said bill, by striking it out from the enacting clause and inserting as follows: "That the road known as the Michigan road be, and the same is hereby declared a State road, and the supervisors are hereby required to improve the same as other State roads. This act to take effect and be in force from and after its passage;"

Which did not prevail.

Mr. Arnold offered the following amendment:

"And also the road from Napoleon to Lawrenceburgh in Dearborn county, and also from the Lawrenceburgh road to Harrison, in the above named county of Dearborn, and add for that purpose to the proposed loan of three thousand dollars, one hundred thousand dollars for the above named roads, making in all the sum of four hundred thousand dollars."

Mr. Cotton of S., moved to amend the amendment as follows:

"That the sum of ten thousand dollars be and the same is hereby appropriated to the Vevay and Napoleon turnpike."

Which was lost.

The question then recurred on the amendment, which was decided in the negative.

So none of the amendments was adopted.

The question was then taken on the engrossment of said bill, and the ayes and noes being requested thereon by Messrs. Boon and Proffitt,

*Those who voted in the affirmative were*

Messrs. Alley, Brenton, Bright, Bryant, Bryce, Champer, Cline, Clymer, Cogswell, Dumont, Egbert Eldridge, Flint, Glass, Hanna, Helmer, Hendricks, Herriman, Johnson of Marion, Judah, Kinney, Major, Marshall, McClure, McCormick, Milroy, Morgan, Nelson, Noel, Peaslee, Powell, Reynolds, Smydth, Spann, Terrell, Thompson, Vance, Wilson of M., Wines, and Mr. Speaker—40.

*Those who voted in the negative were*

Messrs. Albertson, Anderson, Arnold, Baker Boon, Bowles, Carr of J., Carr of L., Chapman, Cooper, Conaway, Cotton of P., Cotton of S. Cutter, Devin, Dole, Eggleston, Field, Graham, Healey, Hubbard, Hunt, Hurst, Jackson, Johnson of Monroe, Jones, Kenton, Lane, Lewis, Mason, Matson, McCarty, McNary, Monroe, Morrow,

Owen, Parker, Proffitt, Puett, Riley, Rose, Rush, Sands. Stewart, Townsend, Truelock, Willey, Williams, Wilson of H., and Wyman—50.

So said bill was not ordered to be engrossed.

On motion, adjourned until 2 o'clock P. M.

*Two o'clock, P. M.*

House met pursuant to adjournment.

On leave being granted, Mr. Pettit introduced bil

No. 128, to amend an act entitled An act concerning county seminaries;

Which was read and passed to a second reading on to-morrow.

On motion of Mr. Milroy,

The following bill was taken from the table.

No. 4, a bill relative to the Board of Internal Improvement.

*Be it enacted by the General Assembly of the State of Indiana, That so much of the act entitled An act to provide for a general system of internal improvement, approved January 27, 1836, and of all o her laws of the State of Indiana as relates to the appointment of nine members of the board of internal improvement, and to the representative principle as a part of the law of the organization of said board, be, and the same is hereby repealed: Provided nevertheless, That the members of said board now in office, shall so continue until the appointment and organization of their successors hereinafter provided.*

SEC. 2. That in place of the present board of nine members, there shall be elected by joint ballot of the General Assembly, during its present session, a board of three members, which board shall possess all the powers, and shall discharge all the duties, and be subject to all the restrictions, which, by the laws now in force, are conferred on, or required of, the present state board of internal improvement.

SEC. 3. That each of the three members of the board hereby constituted, shall be elected by a separate vote; the first elected to serve for three years; the second elected to serve for two years; the third elected to serve for one year, and until their successors in office shall be elected and qualified; and their successors shall be elected in the same manner, but for three years each.

SEC. 4. This act shall take effect and be in force from and after its passage; and shall, forthwith upon its passage, be published in the Indiana Journal and Democrat.

Mr. Owen moved to strike out said bill from the enacting clause and insert the following:

A bill to modify the plan of carrying on the public works and secure their ultimate completion; and amendatory of an act, entitled An act to provide for a general system of internal improvement, approved January 27, 1836.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That so much of the act to which this is amendatory, and of all other laws of the state, as relates to the number of the State Board of Internal Improvement, and to the representative principle recognized in the re-organization of the said board, be, and the same is hereby repealed.

**SEC. 2.** That the present Board of Internal Improvement be, and the same is hereby dissolved: *Provided,* That the members of the said board shall, for the purpose of settling up their accounts with the state, and for other purposes connected with their present duties, remain in office until the first Monday of March next.

**SEC. 3.** That from and after the first Monday of March next, the State Board of Internal Improvement shall consist of three members, to be selected without reference to location.

**SEC. 4.** The members of the said board shall be elected by joint ballot of both Houses of the General Assembly: *Provided,* That a majority of all the votes given shall elect, and that each member shall be ballotted for separately.

**SEC. 5.** The Board of Internal Improvement to be elected during the present session of the General Assembly, according to the provisions of this act, shall serve for the following term, to-wit: the member having the highest number of votes shall serve for three years; the member having the second highest number of votes shall serve for two years; and the member having the lowest number of votes shall serve for one year; all from and after the first day of March next; and each member of the Board of Internal Improvement, who shall be elected at any session of the General Assembly subsequent to the present session, shall hold his office for and during the term of three years, unless it be to fill a vacancy: *Provided,* That if any two or more members elected receive the same number of votes, their precedence shall immediately be decided by lots, to be drawn by the Clerk of the House: *And provided,* That the legislature may, at any time, remove a member of the board by joint resolution.

**SEC. 6.** That **JESSE L. WILLIAMS** shall be Chief Engineer of the state, who shall hold his office during good behavior, or so long as his services may be required by the state, subject however, to removal by a joint resolution; (and the said Chief Engineer shall, in virtue of his office, be a member of the State Board of Internal Improvement, with a seat and vote and every other privilege enjoyed by the other members of the board;) and it shall also be his duty to nominate for the approval of the board all the necessary Resident and Assistant Engineers, and other officers immediately connected with his branch of the public service.

**SEC. 7.** In case of a vacancy in said board, caused by the death or resignation of a member, or in any other way, at any time when the General Assembly is not in session, the vacancy shall be filled by appointment of the Governor; and such members, so appointed, shall serve until the first Monday of March after the session of the General Assembly next following his appointment: but if at the time of the death

or resignation of a member of said board, the legislature be in session, then the vacancy shall be filled by joint ballot vote of both Houses.

SEC. 8. The State Board of Internal Improvement hereby constituted, shall discharge all the duties, and possess all the powers, and be subject to all the regulations and restrictions required of, or conferred on, the former State Board of Internal Improvement, except in as far as the same are modified or repealed in this act, or in any other law.

SEC. 9. The members of the Board of Internal Improvement shall, at all times, continue in office, until their successors in office are appointed and qualified.

SEC. 10. The said board shall organize the engineer department for the superintendence of the public works, and shall appoint all other necessary officers or agents, such as disbursing agents, collectors of tolls, &c. and shall certify the same to the Governor, Auditor, and Treasurer; and the said board shall establish rates of wages for engineers and all other officers or agents appointed by them under this act; *Provided*, that, in the appointment and payment of such officers and agents, the said board shall have reference, first, to the securing of the efficient and faithful discharge of the duties assigned to the said officers and agents; and, secondly, to the strictest economy in wages and all other expenses, consistent with the true interests of the State, and the vigorous prosecution of the public works, *Provided, further*, that the number of disbursing agents shall not exceed three.

SEC. 11. The members of the board shall meet at Indianapolis on the first Monday of March, 1839; and, after taking the usual oath of office, and organizing, by appointing one of their number President of the board, shall enter on the discharge of their duties.

SEC. 12. It shall be the duty of the State Board of Internal Improvement to assume the general control and direction of all the public works of the State; to decide how rapidly it is prudent that they should progress; to determine the time and manner of placing the various works under contract, and also the particular portion and amount of work to be let out; *Provided*, that, in all such matters, they shall be governed by the general principles hereinafter prescribed for their guidance.

SEC. 13. In carrying steadily out to their final completion the public works of the state, the board, after taking a careful review of the probable ultimate expense of the entire system, and of each work; the resources of the State, the condition of the money market, and the market prices of Indiana State bonds, shall at their first meeting, (or as soon thereafter as the necessary facts and estimates can be obtained and examined by them,) determine the amount of money which may wisely and beneficially be expended annually on the public works of Indiana, without injuriously affecting the agricultural interest of the State by oppressive taxation, or by inducing a serious competition in the price of farming labor; *Provided, however*, that the expenditures for the public works during the year eighteen hundred and thirty-nine shall not exceed one million and three quarters of dollars, and du-

ring the year eighteen hundred and forty, shall not exceed one million and a half of dollars; and *Provided*, the expenditures thereafter shall not exceed one million of dollars annually, including every expense whatsoever, connected with internal improvements; unless such annual appropriations be expressly increased by law hereafter; and *Provided further*, that the board, in their general estimates of expenditure and resources, shall never admit or countenance the ruinous expedient of continuing to borrow additional capital to pay interest on previous loans.

SEC. 14. In deciding which work or portions of works shall be put under contract, and which shall be first urged to completion, it shall be the duty of the Board, after carefully examining the subject in all its bearings, to concentrate future expenditures on such works and portions of works as, in their opinion, will the best subserve the general convenience of the citizens, and conduce to the agricultural and commercial improvement of the State; and, as will be likely to yield a revenue to the State at the earliest day, so as to relieve the people from taxation, without jeopardizing the final completion of all the works provided for in the bill to which this is amendatory; and in furtherance of the same object, the Board shall, wherever they are of opinion that the interests of the State demand it, rescind or transfer contracts from one portion of a work to another, or from one work to another, in cases where they consider the expenditure, for the present, an unprofitable outlay of public funds. And in all cases in which contracts may be rescinded by the provisions of this act, the Board shall offer to contractors in question, other contracts, on such portions of the public works as are to be prosecuted, at such prices as a competent engineer may consider as profitable and advantageous to the contractor as the contracts that have been rescinded, taking into view the expense and inconvenience of transferring his forces, if he shall have commenced operations. But if any contractor shall refuse to take such contract as an equivalent, and transfer his forces to it, then the Board of Internal Improvement shall appoint three disinterested and experienced men to make an equitable assessment of the damage which such contractor may have sustained by the rescinding of his contract; which damage shall be paid by the disbursing agent of the Board, by check, as hereinafter provided.

SEC. 15. To enable the said Board to carry out the general provisions of the preceding section, untrammelled by mere local interests, and with a sole and strict regard to the general welfare of the State, all laws and parts of laws making specific appropriations on the several works or restricting the lettings on any particular work, are hereby repealed. And the original appropriation of ten millions of dollars is hereby declared to be a general appropriation, any portion of which may be expended, at the option of the Board, on any work or part of a work, embraced in the general system of internal improvement. *Provided*, That nothing in this act contained shall be so construed as to impair the pledge heretofore given (to-wit: in the act to which

this is amendatory,) for the final completion of all the works, without exception, embraced in the said internal improvement act; but that all said works shall be completed in good faith, at as early a period of time as the interests and resources of the State shall permit.

SEC. 16. The Board of Internal Improvement, or at least two of their number, shall attend all their lettings of public work, and award all contracts on the same.

SEC. 17. When the votes of the Board are equally divided on any proposition or resolution, the proposition or resolution shall be lost; and the votes of said board shall always be by ayes and noes, and recorded on their journal.

SEC. 18. The annual report of the Board to the Legislature shall be made at the earliest practicable period of the session, but not later than the third Monday of December, and shall, each year, contain a general statement of the entire amount theretofore expended for internal improvement; an estimate of work yet to be done; the amount of unfinished contracts; the amount of new contracts during the year last past; the balance of interest, if any, remaining unpaid or unprovided for, after deducting from the total amount of interest paid out by the State the revenue from every source applicable to the liquidation of said interest; also furnishing a full exhibit of the operations during the year, and containing a statement of the names of all agents and officers by them appointed, the kind of service required of them, together with the amount of their compensation; and containing further such suggestions in regard to the general policy of the State, in matters connected with the management and prosecution of the works, and the ways and means required to complete them as to the Board may seem important and worthy the consideration of the Legislature.

SEC. 19. It shall be the duty of the Engineer department to make all necessary surveys, to locate and superintend the execution of the various public works, under the general orders of the Board; to keep the accounts of all works performed on the several section and to determine the sums which may be due to each contractor according to the terms of his contract at the completion of his job. The resident Engineer or other Engineer authorized by the Board, shall make out accurate estimates once in six weeks or two months, as the Board may direct, of the value of works performed by each contractor, and shall certify the same to the Board or their disbursing agent. The Chief Engineer of the State shall have the immediate direction and control of the Engineer corps, subject however to the general orders of the Board; shall direct the necessary surveys on each line, and shall examine and approve all locations before the lines are put under contract; and shall prepare and furnish to the several lines plans of all the mechanical structures, together with specifications of the manner of construction, so as to preserve system and uniformity of plan throughout the State.

SEC. 20. The said agents shall, at the several times when the resident Engineer is required, as hereinafter provided, to make out an estimate of the work performed by contractors, attend on the various lines

within his district for the purpose of making payments to said contractors and to other persons having claims against the State on account of internal improvement; such payments to be made in the manner hereinafter specified. *Provided*, that each of said disbursing agents, before entering on the duties of his office, shall enter into bond to the State, to be approved by the Board, to the amount of ten thousand dollars, conditioned for the faithful discharge of the duties of his office.

SEC. 21. All disbursements of money, on account of the construction and superintendence of the public works, shall be made by the Board of Internal Improvement, through the disbursing agent, in the following manner, to wit: at intervals of six weeks or two months, as may be directed by the Board, payments shall be made by the disbursing agent to contractors, on the certified estimate of the resident Engineer, as hereinbefore provided; such payments to be made by check on the officer or agent holding the State funds; which check shall be accompanied by the estimate of the Engineer on which it is based, and shall be for ninety per cent. only of the amount of said estimate, until the job shall be certified by the Engineer to be fully completed, when the check shall be for the total balance due on said contract at contract prices: *Provided*, that all such checks shall be endorsed with a certificate of registry signed by the same Engineer who may have signed the estimate. And all checks drawn by said disbursing agent in favor of any member of the Board, Engineer or other officer, for salary or wages, shall state on its face the nature and term of service for which it is to be issued and shall in all cases be in accordance with the rates of pay established by the Board or by law. And in cases where it may be necessary to place a small amount of funds in the hands of any officer of the State in advance, as for the purpose of paying hands in the Engineer corps, or for the expenses of a locating party, or other minor expenses incidental to the service, such advance payment shall be made, as may be hereafter provided by law; or in default of an express law, then by check of the disbursing agent in his own favor, accompanied with the certificate of a member of the Board, that such advance payment is necessary to meet certain contingent expenses. *Provided, however*, that the aggregate amount of such advance payment to a disbursing agent shall, at no time exceed one thousand dollars, until, a satisfactory settlement for the same be made with the Board of Internal Improvement, by returning the proper vouchers. And provided, that every disbursing agent shall settle with the Board at least quarterly by forwarding to the office of the Board an abstract of all payments made; each payment to be supported by triplicate vouchers agreeably to a form to be prescribed by the Board. And provided further, that all accounts of payment for construction, for superintendence and for damages shall be reported by him, and shall be kept distinct from each other; and likewise that the accounts be so kept as to show at any time the total disbursements on any line of work, separate from other lines. *Provided also*, that the board shall furnish to the proper officer a list of all rates of compensation to engineers and all other officers in their service, so as to operate as a check on the drafts of the disbursing agents for wages or salary.

SEC. 22. The disbursing agent and the resident Engineer shall each keep a full and accurate register of all estimates and drafts for work done on each section, which registers shall frequently be compared with each other.

**SEC. 23.** In case the disbursing agent shall have reason to believe that there is collision between the contractor and the resident Engineer, in regard to any estimate that may be presented to him, he may at his option, suspend payment upon the same, until he apprise the Board of the facts, which it shall be his duty immediately to do.

**SEC. 24.** It shall be the duty of the officer or agent, holding the State bonds, to forward, every six weeks or two months, to the board, a copy of the register of payments made by him, on all checks or drafts of the disbursing agent.

**SEC. 25.** The Board shall make no extra allowance to contractors over and above the sum which may be estimated by the resident Engineer as due under a fair and just construction of the contract: *Provided*, that at every letting of the public works, it shall be the duty of the Board to notify all bidders of the same.

**SEC. 26.** This act shall be taken and considered a public act, and shall be favorably and liberally construed for all beneficial purposes, and shall take effect and be in force from and after its passage.

Mr. Judah proposed the following amendment as a proviso to the 15th section, which was accepted by Mr. Owen as a modification of his amendment:

*Provided*, That nothing herein contained shall be so construed as to authorize or permit any expenditure on any of the public works of the State, beyond the amount of original appropriation affixed to such work, by the act to which this is amendatory.

Mr. Proffitt moved to refer said bill and pending amendments to the committee on Canals and Internal Improvements;

And before any action was had thereon,

On motion, the House adjourned until to-morrow morning.

THURSDAY, JANUARY 3, 1839.

House met pursuant to adjournment.

Mr. Chamber introduced the petition of Eli Toliver and others, praying for the location of a State road from Spencer to Anguilla;

Which was read and referred to a select committee of Messrs. Chamber, Allison and Smith.

Mr. McCormick introduced the petition of Sarah Prunley, praying to be divorced from her husband;

Which was read and referred to a select committee of Messrs. McCormick, Bryce, and Gregory.

Mr. Rose presented the petition of Samuel H. Johnson and others, praying for an act to be passed to authorize the trustees of the Union County Seminary, to sell a certain lot of ground therein named;

Which was read and referred to a select committee of Messrs. Rose, Anderson and Cooper.

Mr. Healey introduced three petitions on the subject of exempting millers from grinding grain for distillation;

Which were referred to the same select committee to which like petitions have been referred.

Mr. Rush presented a petition on the same subject;

Which was referred to the same committee.

Mr. Cutter, from the Judiciary committee, made the following

## REPORT:

The Judiciary committee, to whom was referred the bill to abolish imprisonment for debt, have had the same under consideration, and have directed me to report the same back to the House.

Your committee are aware that the country from which we derive our origin, our morals, and our laws, has, for centuries, by solemn legislative enactments, recognized the right of one of her citizens to incarcerate the body of another, however honest, however virtuous, however patriotic or talented, who should be unable to pay the most considerable sum, unless the unfortunate one were shielded by the hollow and paltry trappings of hereditary title, or the more senseless privileges and prerogatives of the crown; and that penalties, in many instances more cruel and degrading than any tribunal of this free country would find authority to inflict upon the most hardened felon, were poured without appeal, lenity, or remorse, upon the devoted victims of her bankrupt laws; laws, that would have racked the ingenuity of a Machiavel, and put the pillars of a Draco to the blush. Witness her statutes authorizing the imprisonment in a dungeon, impilloring, and even the maiming of those, who, by the various calamities incident to human affairs, should fall beneath their censure; whose only faults were their enterprise; whose only crimes were their misfortunes.

The framers of the Declaration of Independence, that severed the chains of despotism, which had bound us to that country, declared that "all men are born equal, and endowed by their Creator with certain inalienable rights; among these are life, liberty and the pursuit of happiness;" and to establish this, they "mutually pledged to each other their lives, their fortunes, and their sacred honor." That pledge was kept.

And yet, while his blood was still reeking from the victorious fields of his country, and the remembrance of his princely donations to that country, in her darkest hour, was still green in the memory of his companions in arms, Robert Morris, a signer of the Declaration of Independence *was imprisoned for debt*; languished in a jail; and that hand which had wrote in the councils, and dared in the field, in death was folded above a heart that perished in the gripe of avarice.

This scene is but one out of thousands that might be enumerated, which are daily enacted before our eyes. Still we suffer this foul and festering stigma to remain upon the fair pages of our statute books, incorporated with the laws enacted by freemen, enfolded by the holy

charter of our rights, which declared that liberty is a natural, inherent, and inalienable right. Surely this is an incongruity too gross longer to elude the apprehension of the most casual observer.

The practice of imprisoning the body of a debtor, though sanctioned by very ancient usage, seems to have had its origin in an age of barbarism, and can only be considered an amelioration of the system by which the person of the debtor was subjected to be sold. Were it not wholly repugnant to every principle of free government, and incompatible with every sentiment of generous humanity, the exposure to sale of the debtor might seem more tolerable than his subjection to imprisonment. Policy and individual interest appear to combine to justify the servitude of the debtor, in preference to his seclusion from society and confinement in a dreary dungeon. By the former system the profits of the labor of the debtor brought into common stock, would contribute to augment the wealth of the nation, and might eventually reimburse the creditor the amount of his demand; it would certainly avoid those expenses annually incurred by subsisting so many unprofitable prisoners, without occupation, confined in the jails of the country. The unfortunate debtor himself might at least be blessed with the enjoyment of air and light, and the occasional society of his family and friends, from which, by the latter, he is often most cruelly secluded, and closely immured in the walls of a prison. Yet who is there in this liberal age and in this country, where the blessings of freedom are so extensively diffused, who would not recoil with horror and disgust from a proposition to expose to sale and servitude a fellow citizen, whose misfortunes might subject him to the griping pressure of a hard creditor?

And yet, how few are there among the fortunate and successful, and even among those whom the benign precepts of our religion have taught "to melt at others' woe," who will be roused from apathy and indifference, when they daily learn, that our jails are crowded with groups of these victims of misfortune, and who do not bury in the oblivious round of frivolity and pleasure, even the momentary sensibilities, which such a picture may produce?

Nor are the rulers of this happy land free from the reproach which such a stain upon our code of laws cannot fail to imprint. Year after year has elapsed, and misery upon misery has been heaped upon these victims; and yet the hand of mercy is withheld.

This crying indifference to the miseries of the wretched; this cold insensibility to the distress and sufferings of our fellow creatures has too long stained the annals of our country, and blurred with the imputation of inconsistency our boast of independence, liberty, and happiness, when contrasted with our practice of imprisonment for misfortune, not for crime.

Rescued from this thralldom, the ingenious and the active, restored to a condition for energy and enterprise, may happily find means for accumulation, to the advantage of their creditors and the subsistence in comfort of their families and themselves.

Nor will it fail to add one other and important item to the long catalogue of blessings which spring from the fruitful source of happiness founded in the principles of free and equal government. Whilst in other governments, regulated by no such principles of equity and justice, imprisonment at the will of the despot may be enforced, whilst subject may prey upon subject through the instrumentality of law and the extinction of his liberty; here let it be our boast, that none can be deprived of liberty, but by the judgment of law upon conviction of crime; that no one can be imprisoned by his fellow-citizen for his poverty or misfortune. Here let the possessions and effects of the debtor be made subject to his debts, but spare his person at least, for the solace and the comfort of his beggared and impoverished family.

The House concurred in the report of the committee,

And ordered two hundred and fifty copies of the bill and report printed.

On motion of Mr. Bryce,

Said bill was referred to the committee of the whole House, and made the order of the day for Tuesday next.

Mr. McNary offered the following resolution:

*Resolved*, That the Auditor of Public Accounts be instructed not to issue a warrant to any member of the House of Representatives ordering the Treasurer of State to pay said member his wages, until the adjournment of the House aforesaid, except in case of sickness.

Which resolution was laid on the table.

On motion of Mr. Cooper,

*Resolved*, That the committee on the Canal Fund be instructed to inquire into the expediency of so amending the law that relates to the duties of the Canal Fund commissioners as to prohibit them from selling five per cent. state bonds under par; with leave to report by bill otherwise.

On motion of Mr. Brenton,

*Resolved*, That a select committee be appointed to inquire into the cause of the fire which happened in the state house a few evenings since; also, if it is not the duty of the door keeper to keep out of this House, all assemblages of disorderly persons at night; and report the facts to this House.

Messrs. Brenton, Graham, and Champer were appointed such committee.

Mr. Wilson of Miami offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of allowing all settlers on public lands that have been selected by the state for the Wabash and Erie canal, or that may hereafter be selected for the same, the right of holding them at their minimum value; otherwise to pay them a fair valuation for their improvements; provided they were actual settlers on the land previous to the first day of December, 1837.

Which resolution was not adopted.

On motion of Mr. Baker,

*Resolved*, That the committee on judiciary be instructed to inquire into the constitutionality of collecting fines under the present military system, as established by law of this state; and whether there has been any decision of the Supreme Court of this State on that subject, and if so, what it is; with leave to report by bill or otherwise.

On motion of Mr. Eggleston,

*Resolved*, That the committee on education be instructed to inquire into the propriety of so amending the 9th and 10th sections of the law regulating congressional schools, as to make it the duty of the trustees of the several school districts, to levy a tax under the ad valorem system, to build school houses in the same; with leave to report by bill or otherwise.

On motion of Mr. Proffitt,

*Resolved*, That the judiciary committee be instructed to inquire into the constitutionality of Post Masters holding seats in the General Assembly.

On motion of Mr. Jones,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so altering the law regulating the licensing of attorneys at law, as to require the certificate of but one President Judge as license to practise law.

Mr. Harriman offered the following resolution:

*Resolved*, That the modifying bill before this House at the last adjournment be laid upon the table, and a committee, consisting of Messrs. Milroy, Owen, and Thompson, be appointed to draft a new bill, and report the same to this House.

Which resolution was laid upon the table.

On motion of Mr. Matson,

*Resolved*, That the education convention be permitted to occupy the hall of the House of Representatives this afternoon, and that when this House adjourn it shall be until 9 o'clock to-morrow morning.

On motion of Mr. Wines,

*Resolved*, That the committee on education be instructed to inquire what amendments, if any, are necessary to the school law, for the examination of teachers, that no teachers or school district shall be entitled to any benefits from the school fund unless persons employed as teachers shall first obtain a certificate of qualifications from persons appointed for that purpose.

Mr. Field introduced joint resolution,

No. 129, On the subject of the Louisville and Portland canal;

Which was read twice, the rule being suspended, and,

On motion of Mr. Peaslee, was laid on the table.

Mr. Hubbard, joint resolution,

No. 130, On the subject of the right of petition;

Which was read twice, the rule being suspended, and,

On motion of Mr. Judah,

Referred to a select committee of Messrs. Judah, Field, and Hubbard.

Mr. Dumont introduced bill

No. 131, To incorporate the Wilmington and Aurora company.

Mr. Wines,

No. 132, To incorporate the Marion Blues and for other purposes.

Mr. Willey,

No. 133. Relating to a Lunatic Asylum in Fayette county.

Mr. McClure,

No. 134, To extend the Erie and Michigan canal.

Mr. Clymer,

No. 135, To locate a State road therein named. Also,

No. 136, To locate a State road therein named.

Which were each read, and passed to a second reading on to-morrow.

The House then proceeded to the orders of the day, and took up Bill No. 4, Relative to Internal Improvements.

Mr. Proffitt withdrew the pending motion to refer said bill and proposed amendment to the committee on canals and internal improvements.

Mr. Pettit moved the following amendment to the proposed amendment;

Which was accepted by Mr. Owen, as a modification of his amendment:

To strike out the 15th section of the bill, and insert in lieu thereof the following:

SEC. 15. To enable the said board to carry out the general provisions of the preceding section, untrammelled by mere local interests and with a sole and strict regard to the general welfare of the State, all laws and parts of laws making specific appropriations on the several works, or restricting the lettings on any particular work, are hereby repealed, and all appropriations whatsoever for internal improvement are hereby declared to constitute a general appropriation fund, any portion of which may be expended at the option of the board, on any work or part of a work embraced in the general system of internal improvement: *Provided*, That nothing in this act shall be so construed as to impair the pledge heretofore given, (to-wit, in the act to which this is amendatory), for the final completion of all the works, without exception, embraced in the said internal improvement act; but that all said works shall be completed in good faith, at as early a period of time as the interests and resources of the State permit; to effect which object it shall be lawful to raise, from time to time, as the board in conformity with the provisions of this act shall direct, but not otherwise, the sum or sums of money necessary to progress with the works; said sum or sums of money to be raised in the same manner as now prescribed, or as may hereafter be prescribed by law.

Mr. Judah moved to refer said bill and pending amendments to the select committee appointed to modify the system of internal improvements.

Mr. Boon moved to lay said bill and pending amendment on the table, and to print five hundred copies of the proposed amendment.

A division of the question being called for, the question was taken on laying on the table;

And the ayes and noes being requested thereon by Messrs. Noel and Truelock,

*Those who voted in the affirmative were*

Messrs. Allison, Boon, Brenton, Brown, Bryce, Carr of L., Chapman, Clymer, Cooper, Eggleston, Flint, Graham, Healey, Hubbard, Jackson, Judah, Kinney, Lane, Major, Marshall, Matson, Mason, McCarty, McCormick, Milroy, Monroe, Nelson, Parker, Proffitt, Reynolds, Rush, Spann, Williams, Wines, Wyman, and Mr. Speaker—36.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Bright, Bryant, Carr of J., Champer, Cline, Cogswell, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dumont, Egbert, Eldridge, Field, Glass, Hanna, Helmer, Hendricks, Herriman, Hunt, Hurst, Johnson of Marion, Johnson of Monroe, Jones, Kenton, Lewis, McClure, McNary, Morgan, Morrow, Noel, Owen, Peaslee, Pettit, Powell, Puett, Riley, Rose, Sands, Smydth, Stewart, Terrell, Thompson, Townsend, Truelock, Vance, Willey, Wilson of H., and Wilson of M.—55.

So said bill and pending amendment were not laid on the table.

The question then recurred on printing; and

*Those who voted in the affirmative were*

Messrs. Allison, Boon, Bright, Clymer, Cogswell, Cooper, Cutter, Flint, Graham, Healey, Helmer, Johnson of Monroe, Judah, Kinney, Marshall, Mason, Matson, McCormick, Owen, Proffitt, Reynolds, Rush, Smydth, Spann, Terrell, Thompson, Willey, Williams, Wines, Wyman, and Mr. Speaker.—31.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Cline, Conaway, Cotton of P., Cotton of S., Devin, Dole, Dumont, Egbert, Eggleston, Field, Eldridge, Glass, Hanna, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Jones, Kenton, Lane, Lewis, Major, McCarty, McClure, McNary, Milroy, Monroe, Morrow, Nelson, Noel, Parker, Peaslee, Pettit, Powell, Puett, Riley, Rose, Sands, Stewart, Townsend, Truelock, Vance, Wilson of H., and Wilson of M.—56.

So said amendment was not ordered to be printed.

On motion,

Mr. McClure was added to the committee appointed to modify the system of internal improvements.

Mr. Proffitt moved to amend the amendment of reference to the select modification committee, to the committee on canals and internal improvements;

And before any further action had thereon,

On motion, the House adjourned until to-morrow morning, 9 o'clock.

FRIDAY, JANUARY 4, 1839.

House met pursuant to adjournment.

Mr. Hubbard presented the petition of sundry citizens of Wayne county praying an act to be passed to exempt millers from grinding grain for distillation;

Which was referred to the select committee heretofore appointed on that subject.

Mr. Morrow presented the petition of Isaac F. Wood and others, on the subject of a State road therein named;

Which was read and referred to the select committee heretofore appointed on the same subject.

Mr. Judah from the committee on Ways and Means made the following report:

MR. SPEAKER—

The committee on Ways and Means have made some progress in the consideration of the various matters referred to them, and will be able before long to make a full report explanatory of their views, and accompanied by such bill as they deem necessary for the public good.

The committee have prepared a bill relative to the receipt and disbursement of all public funds; which will be particularly explained in the report to be made. But as this will contain some new provisions, of great importance, meriting serious consideration, the committee have directed me to report it to the House, and to ask that it shall be printed &c.

SAMUEL JUDAH.

Bill No. 137, relative to the receipt and disbursement of all state funds, and for other purposes;

Which was read twice, the rule being suspended;

Laid on the table, and five hundred copies ordered to be printed.

Mr. Noel from the committee on education made the following report:

**MR. SPEAKER—**

The committee on education, to which was referred so much of the message of his Excellency the Governor, as refers to the education of deaf mutes, have had the subject under consideration, and directed me to report the following memorial and joint resolution.

No. 138, on the subject of a school for the education of deaf and dumb;

Which was read and passed to a second reading on to-morrow.

Mr. Milroy from a select committee on that subject reported bill

No. 139, to modify the plan of carrying on the public works, and to secure their ultimate completion, and to amend an act entitled An act to provide for a general system of internal improvements, approved January 27, 1837;

Which was read twice, the rule being suspended,

Laid on the table, and five hundred copies ordered to be printed.

The Speaker laid before the House a communication from the Auditor of Public Accounts;

Which was referred to the committee on Ways and Means.

Mr. Arnold from a select committee made the following report:

**MR. SPEAKER—**

The select committee to which was referred the petition of the citizens of Dearborn county in relation to a State road therein named, have directed me to report bill

No. 140, to locate a State road in Dearborn county;

Which was read twice, the rule being suspended and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Champer,

The report made by the select committee appointed to inquire into the cause of the delay of the public printing of the last Session,

Was taken from the table, and re-committed to the same select committee, with the following instructions, proposed by Mr. Smydth, "to inquire into the causes of the delay of the public printing, and to that end, with power to send for persons and papers. Also, to employ some competent person to measure all the work done by the public printers for the State for the year 1838, and to report the result of such investigation to the House, with a statement of the amount which ought to be allowed to each of the public printers, and the amount which they have received from the Treasury for the same, and the amount paid for each particular item of printing," Messrs. Smydth and Bowles were added to said committee.

Mr. Hurst made the following report:

MR. SPEAKER—

The committee to whom was referred the petition of John Rodolph Fischli, have had the same under consideration and directed me to report bill

No. 141, for the relief of John Rodolph Fischli;

Which was read twice, the rule being suspended, and referred to the Judiciary committee.

Mr. Hubbard made the following report:

MR. SPEAKER—

The select committee to which was referred various petitions on the subject of exempting persons conscientiously scrupulous against grinding grain for distillation, have had the same under consideration, and have directed me to report bill

No. 142, to amend an act entitled An act to regulate mills and millers;

Which was read twice the rule being suspended;

When Mr. Puett moved to indefinitely postpone it.

And the ayes and noes being requested thereon by Messrs. Puett and Boon.

*Those who voted in the affirmative were*

Messrs. Albertson, Baker, Boon, Bowles, Bryant, Bryce, Carr of L., Champer, Cline, Clymer, Cogswell, Conaway, Cotton of S., Cutter, Devin, Dole, Eggleston, Flint, Glass, Graham, Gregory, Hanna, Helmer, Hendricks, Herriman, Hunt, Johnson of Monroe, Johnson of Marion, Jones, Kenton, Lane, Major, Mason, McCarty, McCormick, Milroy, Monroe, Nelson, Noel, Parker, Peaslee, Powell, Proffit, Puett, Reynolds, Sands, Smydth, Spann, Stewart, Townsend, Vance, Wilson of H. and Wilson of M.—54.

*Those who voted in the negative were*

Messrs. Alley, Anderson, Allison, Arnold, Brenton, Bright, Carr of J., Chapman, Cooper, Cotton of P., Dumont, Egbert, Eldridge, Field, Healey, Hubbard, Hurst, Jackson, Kinney, Lewis, Marshall; Matson, McClure, Morgan, Morrow, Owen, Pettit, Riley, Rose, Rush, Terrell, Thompson, Truelock, Willey, Williams, Wines, Wyman, and Mr. Speaker—38.

So said bill was indefinitely postponed.

The following message was received from the Governor, by John M. Wallace his Secretary:

MR. SPEAKER:—

I am directed by his Excellency the Governor to inform the House of Representatives that he has approved and signed the following bills which originated in the House, viz:

No. 82, An act to amend an act entitled An act to authorize the loaning of the College funds; approved Feb. 17, 1838.

No. 80, An act to amend an act entitled An act to incorporate the Mount Carmel and New Albany rail road company; approved Feb. 11, 1838.

Also the following, which originated in the Senate, viz:

No. 9, An act making allowance to John Course for services in applying a part of the three per cent. fund in Fountain county.

No. 10, An act to amend the act entitled An act to amend an act to incorporate the Perry county seminary.

No. 14, An act relating to a State road in Laporte county.

No. 13, An act to change the name of Daniel Bully.

No. 34, An act to amend an act entitled An act to regulate the mode of doing county business in the several counties in this State; approved Feb. 17, 1838.

On motion the House adjourned.

*Two o'clock, P. M.*

The House met.

Mr. Noel, from the committee on enrolled bills; made the following report:

MR. SPEAKER:—

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills of the Senate, with the enrolled bills, and find the same correctly enrolled, viz:

No. 9, An act making allowance to John Course for services in applying a part of the three per cent. fund in Fountain county.

No. 10, An act to amend the act entitled An act to amend an act to incorporate the Perry county Seminary.

No. 14, An act relating to a State road in Laporte county.

On motion of Mr. Milroy,

*Resolved*, That, whereas a communication has been made to the Legislature of Indiana by Dr. I. Coe, one of the canal fund commissioners relative to the property received by said commissioners from the Cohens, in payment of the State Bonds sold to said Cohens, and the same remaining in possession of the Senate, that the Senate be respectfully requested to transmit to this House, a copy of the above communication.

On motion of Mr. Terrel,

*Resolved*, That the judiciary committee be instructed to inquire if some, and if so, what alterations are necessary in the law Regulating mills and millers; approved Feb. 10, 1831, so as to secure unto millers their civil and constitutional rights; and report by bill or otherwise.

Mr. Dumont offered for adoption the following resolution:

*Resolved*, That the committee on roads be instructed to inquire into the expediency of so amending the road law as to require supervisors of roads to have the work done prior to the last of June.

Mr. Arnold moved to amend said resolution so as to require the committee on roads to inquire into the expediency of exempting persons from working on roads at sixty instead of fifty;

Which amendment was adopted.

On motion of Mr. Lane,

The resolution was further amended, by striking out the last of June and inserting the first of October;

And said resolution, being so amended was adopted.

On motion of Mr. Field,

*Resolved*, That a select committee be instructed to make the following inquiries and report the result thereof to this House:

1st. Why it is, that many counties in this State, (through which canals or rail roads pass or are located and in which there has been a great increase in the quantity of taxable lands, as well as the value of lands on the line of their public works,) have paid less revenue into the treasury for the year 1838, than they paid in 1837.

2d. And why it is that several of the counties not benefited by the system of internal improvement, and in which there has been no increase in taxable lands, are annually making increased returns to the treasury.

3d. Why it is that the value of lands has declined in the favored counties since 1836, and increased in the counties neglected.

4th. Whether it is not probable that there is a settled design in many counties of this State, to evade the ad valorem law, and thereby rid themselves of a just proportion of the public burdens; and in fact to make the neglected counties pay the interest on the money borrowed for internal improvement purposes.

5th. Whether there can be provided an adequate remedy for such gross injustice and thereby shield the neglected counties from imposition.

On motion of Mr. Powell,

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of making some provision in the revenue law, to secure the payment of taxes from individuals who remove from one county to another, without making payment to the proper collector.

On motion of Mr. Nelson,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the laws of this State, as to compel each and every county to pay the expense of keeping their criminal or criminals which may be removed from their county to another for safe keeping or otherwise; with leave to report by bill or otherwise.

On motion of Mr. Wyman,

*Resolved*, That the Board of Internal Improvement be requested to report, as early as practicable, to this House, the probable entire cost of constructing the steamboat lock and canal around the Delphi dam, and whether the utility of the Wabash and Erie canal, or the interests of the State would be impaired by cancelling the contract already entered into for constructing a portion of that work, and suspending further operations thereon.

On motion of Mr. Graham,

*Resolved*, That the committee on education inquire into the expediency of allowing to the loaning agents of the surplus revenue in the different counties, the amount paid by them in purchasing books necessary for the purpose of making the proper entries, &c., to be paid out of the said fund.

On motion of Mr. Gregory,

*Resolved*, That the committee on education be requested to inquire into the expediency of appropriating five hundred dollars out of the college fund of this State, to aid the trustees of the Wabash manual labor college in the purchase of a library in place of one that was lately destroyed by fire in the late burning of said college edifice.

On motion of Mr. Cotton of S.,

*Resolved*, That the committee on canals and internal improvement be instructed to inquire into the expediency and propriety of setting apart so much of the State revenue as may be collected in the counties of Switzerland and Ripley for internal improvement purposes; to be expended on the Vevay and Napoleon turnpike; with leave to report by bill or otherwise.

On motion of Mr. Cutter,

*Resolved*, That the committee on education be instructed to inquire into the expediency and practicability of establishing a law which shall more effectually prevent our public institutions of education from fostering and cherishing any one religious sect, to the exclusion of another.

On motion of Mr. Proffitt,

*Resolved*, That all motions to lay upon the table shall be decided without debate.

On motion of Mr. Stewart,

*Resolved*, That the committee of ways and means be instructed to inquire into, and if practicable, to devise some means to enforce the payment of taxes on bank stock owned by non-resident stockholders.

On motion of Mr. Willey,

*Resolved*, That the committee on education be instructed to inquire into the expediency of amending the law relative to the loaning of the surplus revenue, so as to require all the money to be loaned on mortgage security; with leave to report by bill or otherwise.

Mr. Bryce made the following report:

MR. SPEAKER—

The select committee to whom was referred the joint resolution relating to the manuscript journals, has had the same under consideration, and directed me to report it back to the House with an amendment by filling the blank with the word "one hundred."

The House concurred in the amendment of the committee, and said resolution was ordered to be negressed for a third reading on to-morrow.

On leave being granted, Mr. Eldridge introduced joint resolution

No. 143, relative to the public works; which was read, and passed to a second reading on to-morrow.

Mr. Wilson of H., introduced joint resolution

No. 144, relating to the supreme judges of the State, which was read twice, the rule being suspended, and the question being on engrossment,

The ayes and noes being required by Messrs. Hanna and Judah.



*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Anderson, Baker, Boon, Brenton, Bright, Brown, Bryant, Carr of J., Carr of L.; Champer, Clire, Cogswell, Cooper,

Conaway, Cotton of S., Cutter, Devin, Dole, Dumont, Egbert, Eggleston, Eldridge, Field, Flint, Glass, Graham, Gregory, Helmer, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Jones, Kenton, Kinney, Lane, Marshall, Mason, Matsor, McCarty, McClure, McCormick, Milroy, Morgan, Morrow, Noel, Owen, Parker, Pettit, Proffitt, Puett, Reynolds, Riley, Rose, Rush, Sands, Smydth, Spann, Terrill, Thompson, Truelock, Vance, Willey, Williams, Wilson of H., Wilson of M., Wines, Wyman, and Mr. Speaker—74.

*Those who voted in the negative were*

Messrs. Arnold, Bowles, Chapman, Hanna, Healey, Johnson of Monroe, Judah, Lewis, Major, Nelson, Powell, Stewart, and Townsend—13.

So said joint resolution was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Proffitt, leave being granted,

*Resolved*, That the committee on the canal fund be instructed to inquire and report to this House, at as early a day as is possible, whether the whole amount of exchange between this State and eastern States upon drafts drawn upon monies borrowed for internal improvement purposes, is received by the State Bank of Indiana, as remuneration for acting as disbursing agent. Also, to report for what length of time said contract is made; and also, to report what amount has been received by said Bank, taking into consideration the rates of exchange and the amount drawn.

Mr. Proffitt introduced bill

No. 145, to legalize the acts of the clerk of Dubois county;

Which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Brenton,

No. 146, to amend an act entitled An act to provide for a general system of internal improvements.

Mr. Noel,

No. 147, to change the time of the meeting of the Legislature.

Mr. Truelock,

No. 148, to legalize the sale of a school section in Scott county.

Mr. Marshall,

No. 149, to authorize the refunding of monies in certain cases.

Mr. Bright,

No. 150, to incorporate the Indiana Mechanick's Institute;

Which were each read, and passed to a second reading on to-morrow.

On motion of Mr. Wilson of M., bill

No. 75, to locate a State road therein named, was taken from the table and referred to the committee on roads.

On motion of Mr. Cutter,

No. 110, to locate a State road in the county of Vigo, was taken from the table, read a third time and passed.

*Ordered*, That it be entitled An act, and that the clerk carry it to the Senate, and ask their concurrence therein.

On motion,

The House adjourned until nine o'clock to-morrow morning.

SATURDAY, JANUARY 5, 1839.

House met pursuant to adjournment.

Mr. Bryce presented two petitions from sundry citizens of Montgomery and Putnam counties, praying for a change in the McAdamized road from Jeffersonville to Crawfordville, so as to make Parkersburgh in Montgomery county a point;

Which were read and referred to the committee on canals and internal improvements.

Mr. Devin introduced the petition of Samuel Hall and others, praying for an appropriation on the road from Owensville to Parker's landing, on the Wabash;

Which was referred to the committee on roads.

Mr. Vance presented the petition of sundry citizens of the counties of Jay, Wells, and Huntington, praying for the location of a State road from Camden to Huntington;

Which was referred to the committee on roads.

Mr. McClure presented the petition of Joseph Orr and others, praying for an allowance to be made to the President Judge for holding a special term of the Laporte circuit court;

Which was read and referred to a select committee of Messrs. McClure, Egbert, and Clymer.

Mr. Matson presented the petition of sundry citizens of Franklin and Union counties, praying for a change in the law granting license to retail grocers;

Which was read and referred to a select committee of Messrs. Matson, McCarty, and Rose.

Mr. Hunt presented the petition of sundry citizens of Randolph county on the subject of a McAdamized road from Hagarstown, in Wayne county, to Winchester;

Which was referred to the select committee to which like petitions were heretofore referred.

Mr. Wilson of *M.* presented the petition of sundry citizens of Miami county on the subject of a State road therein named;

Which was referred to a select committee of Messrs. Wilson of *M.* Eldridge and Wines.

Mr. Hubbard from the committee of ways and means, made the following report:

MR. SPEAKER—

The committee of ways and means to which was referred a resolution proposing to insert into the revenue law, a section to exempt from taxation all capital invested in the manufacture of iron and salt, within this State, for a term of years: Also, a resolution inquiring into the expediency of so amending the revenue law, that each tax payer be required to meet the collector on a certain day or days in

each year to settle their taxes, and on failure to do so, make it the duty of the collector to return the delinquent to the school commissioner without further delay; have had the same under consideration, and have directed me to report that it is inexpedient to legislate on the above subjects at this time.

The House concurred in the report of the committee.

Mr. Proffitt made the following report:

**MR. SPEAKER—**

The committee on canals and internal improvements, to which was referred sundry resolutions, to wit: a resolution relative to clearing out snags, &c. from the Wabash river; also, a resolution relative to the revision of the law prohibiting engineers and commissioners from purchasing lands, &c.; also on the subject of employing rodmen &c.; have had the same under consideration and directed me to report that legislation is inexpedient on those subjects.

The House concurred in the report of the committee.

Mr. Hurst, from a select committee, reported as follows:

**MR. SPEAKER—**

The committee to whom was referred the petition of William Sexton and others, have had the same under consideration and directed me to report bill

No. 151, to authorize the raising of \$75,000 by lottery, for the grading and paving of the river bank in front of Water street, in the town of Jeffersonville;

Which which read and passed to a second reading on to-morrow.

Leave of absence was granted to Mr. Townsend on account of sickness.

Mr. Brenton made the following report:

**MR. SPEAKER—**

The select committee to which was referred bill of the House,

No. 45, to change the mode of doing county business in Hendricks county, have directed me to report it back to the House with an amendment.

The House concurred in the amendment of the committee, and said bill was read a third time and passed.

Ordered, That it be entitled An act, and be carried to the Senate and their concurrence requested therein.

Mr. Hurst made the following report:

**MR. SPEAKER—**

The select committee to whom was referred the petition of Patrick

McGinly, have had the same under consideration, and directed me to report joint resolution

No. 152, to authorize Patrick McGinley to sue the State;

Which was read and passed to a second reading on to-morrow.

On motion of Mr. Kinney,

*Resolved*, That the committee to whom was re-committed the subject of the delays in printing and distributing the laws of the last session, be instructed to inquire, whether any of the public printing was done more than once, and how often? And whether any portion of the printing of this House has been paid for more than once? Whether the same rule is observed in the public printing this session, that was followed last year, and if not, by what authority that change is made, and what that change is? And whether composing, which in fact has been done but once, has been construed to have been done several times and paid for accordingly? And whether it has formerly been the practice of the public printers, at the time they were required to print public documents for the use of the House, to print a sufficient number for the documentary journal. And that said committee, in their report, shew the amount paid for this description of printing in a separate item; and be instructed to send for persons, if necessary to a correct investigation of the matters submitted to them.

On motion of Mr. McNary,

*Resolved*, That the committee on education be instructed to inquire into the expediency of so expending the school funds, set apart for the support of schools in the several townships of this State, that some may be applied for the support of schools during the winter months.

On motion of Mr. Devin,

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of so amending the Probate law, as to make it the duty of the circuit judges to form and constitute the probate courts in their several circuits; with leave to report by bill or otherwise.

Mr. Hubbard offered the following resolution :

*Resolved*, That the committee on Education be instructed to obtain copies of the very able addresses delivered before the late education convention by Messrs. Park, Hovey, Hoshour, and Tilton, and that they authorize the printing of five hundred copies of each for distribution throughout the State by the members of this House, and that the expense of printing the same be defrayed as other printing for this House,

Which resolution was laid on the table.

Mr. Milroy introduced bill

No. 153, Relative to injuries done to the public works by the freshet of January, 1838.

Mr. Boon,

No. 154, For the further improvement of Busseron and Turnan's creek.

Mr. Lane,  
No. 155, To amend an act entitled an act regulating the jurisdiction and duties of justices of the peace.

Mr. Hunt,  
No. 156, Relative to the navigation of the Mississineway river,  
Which were each read, and passed to a second reading on to-morrow.

The House then proceeded to the orders of the day.

Bills on their second reading ;

No. 111, To locate a State road from Milton, to intersect a State road from Connersville,

Was read a second time and referred to the committee on Roads.

On motion of Mr. Cooper,

The vote on engrossing bill No. 54, To provide for the improvement of the Michigan road, north of Napoleon, was reconsidered.

Mr. Wilson of H. moved to amend said bill by adding a provision for the appropriation of three hundred thousand dollars on McAdamized road from New Albany via Corydon, Jasper, Petersburg, and to a point on the Wabash river, opposite Mt. Carmel, Illinois,

When Mr. Dumont moved to lay the bill and pending amendment on the table, and the ayes and noes being demanded by Messrs. Riley and Dumont,

*Those who voted in the affirmative were*

Messrs. Albertson, Allison, Anderson, Arnold, Baker, Boon, Bowles, Brown, Chiles, Conaway, Dumont, Eggleston, Graham, Hubbard, Jackson, Lane, Lewis, Mason, Matson, McCarty, McCormick, Noel, Owen, Riley, Rose, Truelock, and Wilson of H.—29.

*And those who voted in the negative were*

Messrs. Alley, Brenton, Bright, Bryant, Bryce, Carr of J., Carr of L., Cline, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Cutter, Devin, Dole, Egbert, Eldridge, Field, Flint, Glass, Gregory, Hanna, Healey, Hendricks, Helmer, Herriman, Hunt, Hurst, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kenton, Kinney, Major, Marshall, McClure, Milroy, Monroe, Morgan, Morrow, Nelson, Parker, Peaslee, Powel, Proffitt, Puett, Reynolds, Rush, Sands, Smydth, Spann, Stewart, Terrell, Thompson, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—62.

So said bill and amendment was not laid on the table.

The motion recurring on the adoption of the proposed amendment, and the ayes and noes being demanded by Messrs. Wilson and Rush,

*Those who voted in the affirmative were*

Messrs. Albertson, Arnold, Bowles, Carr of J., Cotton of P., Devin,

Kenton, Proffitt, Riley, Sands, Spann, Stewart, Thompson, Truelock and Wilson of H.—15.

*Those who voted in the negative were*

Messrs. Alley, Allison, Anderson, Baker, Boon, Brenton, Bright, Brown, Bryant, Bryce, Carr of L. Chiles, Cline, Cooper, Conaway, Cotton of S., Cutter, Dole, Dumont, Egbert, Eldridge, Field, Flint, Glass, Graham, Gregory, Hanna, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kinney, Lane, Lewis, Major, Marshall, Mason, Matson, McCarty, McClure, McCormick, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Parker, Peaslee, Pettit, Powell, Puett, Reynolds, Rose, Rush, Smydth, Terrell, Willey, Williams, Wilson of M., Wines, Wyman and Mr. Speaker—73.

So said amendment was not adopted.

Mr. Dumont offered the following amendment:

“And that the State Board of Internal Improvement be instructed to re-locate that portion of the said road, lying south of Napoleon, so that it strike the Ohio River at the nearest point in Dearborn county, *Provided*, in their opinion, a good McAdam can be made on said route, cheaper than on its present location to Madison for the opening of which twenty-five thousand dollars is appropriated.”

Mr. Judah moved the previous question, which was seconded by a majority of the House.

The question was then, Shall the main question be now put ?

Which was decided in the affirmative.

The main question was then put, Shall saidbill be ordered to be engrossed ?”

And the ayes and noes being demanded thereon by Messrs. Riley and Dumont,

*Those who voted in the affirmative were*

Messrs. Alley, Allison, Arnold, Brenton, Bright, Bryant, Bryce, Carr of J., Cline, Cogswell, Cooper, Cotton of S., Dole, Dumont, Egbert, Eldridge, Flint, Glass, Graham, Gregory, Hanna, Helmer, Hendricks, Herriman, Hunt, Hurst, Jackson, Johnson of Marion, Jones, Judah, Kinney Lane, Major, Marshall, McClure, McCormick, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Parker, Peaslee, Pettit, Powell, Proffitt, Reynolds, Rush, Smydth, Spann, Terrell, Thompson, Willey, Williams, Wilson of M., Wines, and Mr. Speaker—59.

*Those who voted in the negative were*

Messrs. Albertson, Anderson, Baker, Boon, Bowles, Brown, Carr of L. Chiles, Conaway, Cotton of P., Cutter, Devin, Eggleston, Field, Healey, Hubbard, Johnson of Monroe, Kenton, Lewis, Mason, Matson,

McCarty, McNary, Owen, Puett, Riley, Rose, Sands, Stewart, Truelock, and Wilson of H.—31.

So said bill was ordered to be engrossed for a third reading on to-morrow.

No. 114, Concerning the county of Knox;

No. 115, To change the name of certain persons, and for other purposes;

No. 116, To authorize John Davis to convey certain property therein named;

No. 120, Concerning the Logansport and Chicago state road;

No. 122, For the relief of William W. Wilson;

No. 124, To amend an act entitled An act establishing state roads therein named;

No. 128, To amend an act entitled An act concerning county seminaries, approved February 17, 1838;

No. 133, Relative to a lunatic asylum in Fayette county;

Were each read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 117, To prevent the payment of interest out of the principal on state bonds;

Was read a second time, and,

On motion of Mr. Bryce, laid on the table.

No. 119, To allow justices of the peace additional fees in certain cases ;

Was read a second time, and,

On motion of Mr. Graham, referred to the committee on the Judiciary.

No. 118, to authorize Notaries Public to solemnize marriages,

Was read a second time.

Mr. Truelock moved to amend said bill by inserting county commissioners and constables;"

Which prevailed.

Mr. Dumont moved further to amend by including "supervisors of roads;"

Which was carried in the affirmative.

On further motion of Mr. McNary,

Said bill was amended by adding "militia officers."

On motion of Mr. Thompson,

Further amended by including "stage drivers and overseers of the poor."

On motion of Mr. Bright, said bill, as amended, was indefinitely postponed.

No. 123, to locate a State road therein named;

Was read a second time, and on motion of Mr. Brown referred to the committee on roads.

No. 125, concerning a school district in Dearborn county;

Was read a second time and on motion of Mr. Dumont referred to a select committee.

Ordered that Messrs. Dumont, Conaway, Eggleston and Arnold be such committee.

No. 126, to incorporate the town of Danville in Hendricks county,

Was read a second time and referred to the committee on corporations.

No. 127, concerning certain turnpike companies therein named,

Was read a second time

And, on motion of Mr. Boon, referred to the committee on corporations.

No. 131, to incorporate the Willmington and Aurora Insurance Company;

No. 132, to incorporate the Marion Blues;

Were each read a second time and referred to the committee on corporations.

No. 134, to amend an act entitled An act to extend the Michigan and Erie canal,

Was read a second time and referred to the committee on canals and internal improvements.

No. 135 and 136, to locate certain State roads therein named,

Were read a second time

And referred to the committee on roads.

No. 138, memorial and joint resolution on the subject of a school for the education of the deaf and dumb,

Was read a second and third time, the rule being suspended, and passed.

Ordered, that the clerk inform the Senate thereof.

No. 143, relative to the public works;

Was read a second time,

When Mr. Truelock moved to indefinitely postpone it.

And the ayes and nocs being requested thereon by Messrs. Gregory and Brown.

*Those who voted in the affirmative were*

Messrs. Allison, Anderson, Boon, Brenton, Bright, Bryant, Bryce, Carr of J., Cline, Cogswell, Cooper, Cutter, Devin, Egbert, Flint, Graham, Hanna, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Kinney, Lane, Lewis, Marshall, Mason, Matson, M'Carty, M'Clure, M'Cormick, Milroy, Morgan, Morrow, Nelson, Owen, Peaslee, Pettit, Powell, Proffitt, Riley, Rush, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, Wyman and Mr. Speaker—59.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Arnold, Baker, Bowles, Brown, Carr of L., Conaway, Cotton of P., Cotton of S., Dole, Dumont, Eggleston,

Eldridge, Field, Glass, Gregory, Jones, Judah, Major, M'Nary, Monroe, Puett, Rose, Sands and Truelock—26.

So said joint resolution was indefinitely postponed.

On motion, the House adjourned until Monday nine o'clock A. M.

## MONDAY, JANUARY 7, 1839.

House met pursuant to adjournment.

The following message was received from the Senate by Mr. Test, their secretary.

**MR. SPEAKER—**

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill thereof,

No. 41, entitled An act to amend an act entitled An act dividing the State into judicial circuits, and fixing the times for holding courts therein, and for other purposes, approved Feb. 10, 1831,

In which the concurrence of the House is respectfully requested.

Said bill was read twice, the rule being suspended,

And on motion of Mr. Gregory, referred to the committee of the whole House, and made the order of the day, for this day at, two o'clock P. M.

On motion of Mr. Eldridge,

Mr. Gregory was added to the committee on Public Buildings.

On motion of Mr. Graham,

Mr. Milroy was added to the committee on the Canal Fund.

Mr. Owen presented the petition of Clement Whitney and others, praying for the repeal of an act regulating the jurisdiction of justices of the peace in Posey county;

Which was referred to the select committee heretofore appointed on the same subject.

Mr. Dumont presented the petition of sundry citizens of Dearborn county, on the subject of the Lawrenceburg and Harrison State road.

Also, the remonstrance of sundry citizens of the same county, on the same subject.

Which were referred to a select committee of Messrs. Dumont, Arnold, Eggleston and Conaway.

Mr. Kenton presented the petition of S. H. Benjamin and others, praying for an act to be passed making one county out of the counties of Newton and Jasper.

Also, a remonstrance on the same subject;

Which were referred to a select committee of Messrs. Kenton, Gregory and M'Cormick,

Also, a petition from Hugh McConnell and others, praying for an act to locate the seat of justice of Jasper county;

Which was referred to the same select committee.

Mr. Champer presented the petition of Jonathan Payne and others, praying for act to be passed for the election of a justice of the peace in Mill Grove in Owen county;

Which was referred to a select committee of Messrs. Champer, Williams, and Allison.

Mr. Devin presented the petition of J. E. Woods and others, on the subject of a State road therein named;

Which was referred to a select committee of Messrs. Devin, Graham, and Jones.

Mr. Hunt presented the petition of sundry citizens of Randolph county, on the subject of a turnpike road from Hagarstown in Wayne county, to Winchester in Randolph county;

Which was read and referred to the same select committee heretofore appointed on like petitions.

Mr. Truelock presented the petition of Washington Rutherford and others, praying for a portion of Washington county to be attached to Scott county;

Mr. Parker presented the remonstrance of Isaac Thomas and others, on the same subject;

Which were both referred to a select committee of Messrs. Truelock, Parker, and Bright.

Mr. Arnold presented the petition of John Neal, President of the Board of Trustees of the town of Rising Sun in Dearborn county, praying for an act to extend the corporation limits of said town;

Which was read and referred to the committee on corporations.

Mr. Wilson of M. presented the petition of Jacob Gill and others, on the subject of a State road therein named;

Which was referred to a select committee of Messrs. Wilson of M., Wines, and Eldridge.

Mr. Bright presented the petition of sundry citizens of Jefferson and Clark counties, on the subject of securing the right of trial by jury;

Which was read and referred to the judiciary committee.

The following message was received from the Senate, by Mr. Test, their Secretary:

**MR. SPEAKER—**

I am directed by the Senate to bring to the House of Representatives the following letter of Dr. Isaac Coe, one of the Fund Commissioners, to the Senate, in accordance with the resolution of the House on that subject.

The letter mentioned in said message was,

On motion of Mr. Milroy, referred to the committee on ways and means.

Mr. Proffitt, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER—

The committee on canals and internal improvements, to which was referred a petition of sundry citizens of Carroll county on the subject of damages, &c. sustained by the taking of timber, report it inexpedient to legislate on the subject;

Also, a petition of sundry citizens of Cass county, on the subject of building a bridge, report it inexpedient to legislate on the subject;

Also, a bill No. 56, Relative to a turnpike road from Rockport in Spencer county, to Jasper and Washington, with a recommendation that it be laid upon the table.

The House concurred in the report of the committee.

Also the following report from the same committee:

MR. SPEAKER—

The committee on canals and internal improvements, to which was referred the petition of sundry citizens of Rush county, on the subject of a McAdamized road from Greenfield in Hancock county, via Rushville, to the Whitewater canal, has instructed me to report a bill,

No. 157, To provide for the survey of a road from Greenfield in Hancock county, via Rushville, to the Whitewater canal;

Which was read, and passed to a second reading on to-morrow.

Mr. Brown, from a select committee, made the following report:

MR. SPEAKER—

The committee to whom was referred a resolution of the House for inquiring into the expediency of providing by law for the encouragement of manufactures in the State of Indiana, have had the same under consideration, and directed me to make the following

### REPORT:

That your committee, taking into consideration the fertility of the soil, together with the geographical position of the State of Indiana, are of opinion that she must still remain, as she now is, emphatically an agricultural State. That from the report of the State Geologist we also learn that the State of Indiana contains within her own limits, inexhaustible beds of iron ore and bituminous coal, often found in the vicinity of each other; and plain indications of salt water are general throughout our territory.

From the above view, it is evident, that although agriculture must ever hold the first place, yet manufactures must also become an im-

portant branch of industry and enterprise: commerce too, as a necessary appendage, must have its proper place.

It now remains for your committee to inquire what legislation is necessary to open the way for each branch to move untrammelled in its own legitimate sphere of action, so that each in its proper place may contribute to the wealth and comfort of our citizens.

In the lines of our public works marked out through the State, we see ample provision making for trade; we see nearly the whole resources of the State directed to one particular object, in pursuit of which an accumulating debt, with a corresponding taxation is expected to continue for some length of time; and should the ad valorem system be continued precisely as it is, it will, in the opinion of your committee, bear very hard on the manufacturing interest. Of course our rich mines will not be worked to the proper extent; nor is it likely that any great exertions will be made to obtain salt water in our present circumstances; and we must still remain as we are at present, or at least to a great degree, dependent on other states for those necessary articles of constant consumption; and our currency of course, subjected to a drain which must be severely felt; while if the capital-ist was left to pursue his own course unmolested, we might expect not only a full supply of those articles for our own use, but also a large surplus for exportation; while at the same time, a constant and convenient market would be provided for the produce of our farmers.

The immense water-power about to be created on the lines of our public works will afford facilities for the erection of machinery to a great extent; and when we consider the ease with which the raw material of cotton can be obtained in exchange for our own produce, the vast consumption of articles in our State, manufactured from it; and the ease with which such articles could be transported to a southern market, your committee are of opinion that the manufacture of cotton should be encouraged. They are also of opinion that legislation on these matters should be progressive; that it should be directed by experience and by circumstances which are yet future; and all that is at present necessary, is to guard such capital as may be employed in manufacture from oppressive taxation; and now respectfully submit the accompanying bill for the consideration of the House:

No. 158, To encourage manufactures in the State of Indiana;

Which was read, and passed to a second reading on to-morrow.

Mr. Mason, from a select committee, made the following report:

MR. SPEAKER—

The select committee to which was referred two several resolutions on the subject of the State printing, have had the same under their consideration, and have directed me to make the following report:

To the faithful discharge of the duties assigned the committee, it was first necessary to ascertain who were the public printers, and the nature of their engagements. By reference to an act approved February 4th, 1837, it will be found that a law was enacted, creating two State printers, one for the Senate and one for the House, and in pursuance of said act, the House did, on the 6th day of

January, 1838, elect John W. Osborn and Elijah Chamberlain, printers to this body, for three years from and after the first day of August last past, and on inquiry of the secretary of State, the committee find that said Osborn and Chamberlain entered into bond and security for the faithful performance of their contract as State printers; since which time said Chamberlain has disposed of his interest in said contract to one Jacob S. Willetts, who is now with the said Osborn, doing the printing for this House; but the said Osborn and Chamberlain are the only persons known in the contract.

The committee, after a full and complete examination, and to answer more fully the resolution of the House adopted on the first instant in relation to public printer, the committee are of opinion, that Osborn and Chamberlain are the public printers to this House, and are by their bond bound for the prompt, accurate, and neat execution of the work; this being the language used by the act to specify the requirements of the House; and as long as they continue to discharge that duty, they fill their engagement, and it is all that can be required of them; and it is not material whether they perform that duty by agent or in their own proper person.

The word public printer being the language used through the whole act, to designate their character it cannot be construed to mean an office under the legal acceptance of that word, and the House must have so construed it at the time of electing, as they elected two individuals as their printer.

In the concluding part of the act creating public printer here referred to, the House have reserved the right to procure the printing elsewhere, in case of failure on the part of the public printer, and charge the excess in procuring such printing procured on the account of delay or failure of the public printer, and hence their liability upon their bond. Of the printing establishment of the said Osborn and Jacob S. Willetts, your committee are of opinion that the establishment is at this time able to do, in good order and in time, any reasonable amount of printing that may be ordered by the House, as they now have on hand, three presses, in successful operation, a plenty of type, mostly new, and hands sufficient to do the labor in said establishment.

The cause to a great extent of the previous delay was owing to an accident to one of their presses, which occurred about the time of receiving the Governors message. To repair said accident it required some days. This and the large and unexpected amount of press work occasioned by the large number of that document ordered by the House, put it out of their power to do the amount of work required to be done in the time desired.

The House cannot but be sensible that under its present unsettled action in relation to the number of any one report or document ordered to be printed, the public printer must be frequently taken by surprise, unless they keep on hand, at great expense, an amount of printing presses, type, and hands, beyond the amount necessary to do the ordinary amount of public printing.

To reduce this matter to some fixed rule of action, or as near so as possible, is a desideratum much to be desired, and is important, not only to economical legislation, but, the acquiring that information through printed reports from the various departments of State and other public functionaries, from which alone can be derived, to a large portion of the House, correct intelligence, and secure certainty in legislation. Hence arises the delay in the action of the Legislature in all of the important business of the State.

The law as it now exists in relation to public printing is deficient in other particulars. It contemplates that the printing be done under the direction of the Secretary of the Senate, and Clerk of the House. From the nature of their other

duties and engagements, they not only are left without time to attend to the business, but are left without the means of superintending a large portion of the reports for want of that kind of information that would secure correctness.

The law regulating public printing, and the law providing for the distribution of the laws and journals, are so closely connected, and in some instances blended, that to examine one, your committee were compelled to examine the other; and in the course of their examination they find that the law regulating the distribution of the laws and journals runs through several acts commencing in 1831, and ending in 1838. The several acts upon this subject and the subject of printing are so conflicting that to determine in some instances what the law is, is a very difficult matter, and calls loudly for a revision.

To effect promptitude in the delivery of any printing directed by the Legislature, and to do away some of the evils now existing, your committee find much difficulty, as before suggested. It is important that reports from our public functionaries should be before the House at an early day. To require this from our board of public works would necessarily call them from the field of operations upon the several lines before the season closes for operating, and at a time when their services are most needed, the fall being much the best for prosecuting the work. To remedy which, your committee have been led to examine the propriety of fixing a later day for the meeting of the Legislature, and every consideration induces the conviction that such a change is important to the people of the State. Such a change would enable the board of internal improvement to make out their reports after the fall business closes, and before the meeting of the Legislature. Longer time could be given to the several collectors of the State revenue. This is important. The well known fact, that by far the largest amount of produce that is produced in the country is sold late in November and early in December. More money could be collected during this latter month than any three months in the year, and with more convenience to the people. Many other considerations could be offered, but as the committee may be regarded as having travelled out of their way, we forbear saying more, excepting a word as to the constitutionality of such a course. In that they cannot for a moment doubt the authority of the Legislature to change the time; and if there was doubt, it is one of those questions of expediency involving no important principle of government, and should be liberally construed.

In conclusion, your committee would call the attention of the House to that part of the act relating to the price for printing, which they find, on inquiry, to be of the most liberal kind, and the provisions so loose, that in some instances the same work may be twice or thrice charged: this evil should be avoided.

To close, the committee have directed me to report a bill,

No. 159, to provide for public printing, and for the distribution of the laws and journals,

Which was read and passed to a second reading on to-morrow.

Mr. Gregory from a select committee made the following report:

**MR. SPEAKER—**

The select committee to whom was referred bill No. 1, for the formation of the tenth Judicial Circuit, have had the same under consideration, and cannot unanimously agree to any one proposition, but in part have agreed, to report an amendment accompanying said bill.

On motion of Mr. Gregory,

Said bill and amendment were referred to the committee of the whole House, and made the order of the day for this day, at two o'clock, P. M.

On motion of Mr. Proffitt, bill

No. 145, to legalize the acts of the Clerk of Dubois county,  
Was taken up, read a third time and passed.

Ordered, that the Senate be informed thereof.

On motion of Mr. Owen, bill

No. 139, to modify the plan of carrying on the public works, and to secure their ultimate completion, and amendatory to an act entitled An act to provide for a general system of Internal Improvement, approved February 27, 1836, was taken up,

And before any action had thereon,

On motion, the House adjourned until two o'clock, P. M.

*Two o'clock, P. M.*

House met,

And proceeded to the consideration of the bill pending at adjournment.

Mr. Proffitt moved to commit said bill to the committee on Canals and Internal Improvements, with instructions to strike it out from the enacting clause, and provide that the board of Internal Improvement shall consist of five members, giving said board full power to prosecute such works to early completion, as they shall deem most conducive to the interest of the State, having in view the speedy connection of the public works with the greatest natural outlets of commerce; and to provide such checks and guards as may be necessary to prevent improvident lettings of the public works, and injudicious and unnecessary expenditures of public money.

Mr. Boon moved to amend said instructions by striking out the word "five," and insert in lieu thereof the word "three;" and the ayes and noes being requested thereon by Messrs. Boon and Judah,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brown, Carr of J., Chapman, Conaway, Cotton of P., Cotton of S., Devin, Dumont, Eggleston, Eldridge, Field, Glass, Gregory, Hanna, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Jones, Judah, Kenton, Lewis, Major, Matson, McCarty, McNary, Monroe, Morgan, Morrow, Owen, Peaslee, Perine, Pettit, Powell, Reynolds, Rose, Rush, Sands, Townsend, Truelock, and Wilson of H.—51.

*Those who voted in the negative were*

Messrs. Allison, Brenton, Bright, Bryant, Bryce, Champer, Cline, Cogswell, Cooper, Cutter, Dole, Egbert, Flint, Graham, Healey, Hel-

mer, Johnson of Monroe, Kinney, Lane, Marshall, Mason, McClure, McCormick, Milroy, Nelson, Noel, Parker, Proffitt, Puett, Riley, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Willey, Williams, Wilson of M. Wines, Wyman, and Mr. Speaker—42.

So said instructions were so amended.

Mr. Judah offered the following amendment to said instructions:

Strike out "such works," and after the words "early completion" strike out to "commerce" inclusive, and insert in place thereof, as follows: "The Wabash and Erie Canal to Lafayette, and those three other works which may combine the following qualities: 1, which may require the least expenditure to completion; 2, which may be finished in the shortest time; 3, which will afford most speedily the greatest proportionate profit; and the remainder of the works in the system to be taken and finished in turn on similar principles."

Mr. Proffitt called for a division of the question.

The question then recurring on striking out,

The ayes and noes were demanded thereon by Messrs. Proffitt and Judah.

And before any further action thereon,

The House adjourned until to-morrow morning, nine o'clock.

## TUESDAY, JANUARY 8, 1839.

House met pursuant to adjournment.

Mr. Field presented the petition of Susannah McCalley and others, praying for an act to be passed, prohibiting the sale of spirituous liquors in all cases, *except* for medical use;

Which was read and referred to the Judiciary committee.

Mr. Hubbard presented the petition of sundry citizens of Wayne county, on the subject of a State road from Cambridge City to Fort Wayne;

Which was referred to the select committee to which similar petitions have been referred.

Mr. Marshall, from the Judiciary committee, made the following report:

Mr. SPEAKER—

The Judiciary committee to which was referred a bill of the House, entitled A bill granting the state of Illinois the right of way, within this State, to connect the Northern Cross Railroad in Illinois, with the Wabash and Erie Canal at Covington, Indiana, have had that subject under consideration, and have directed me to report the bill back without amendment.

Said bill was read a second and third time, the rule being suspended, and passed.

*Ordered*, That the Clerk carry it to the Senate, and ask their concurrence therein.

Mr. Alley, from the Judiciary committee, to which sundry resolutions were referred, on the subject of the criminal laws of the State, reported bill

No. 160, concerning crime and punishment,

Which was read and passed to a second reading on to-morrow.

Mr. Cooper, from the same committee, made the following report, in which the House concurred:

**MR. SPEAKER—**

The committee on the Judiciary, to whom was referred a resolution of this House, requiring said committee to inquire into the expediency of so altering the law regulating the licensing of attorneys at law as to require the certificate of but one President Judge as a license to practise law, have had the same under consideration, and instructed me to report, that no further legislation upon the subject of said resolution is requisite or expedient.

Also the following report:

**MR. SPEAKER—**

The committee on the Judiciary, to whom was referred a resolution of this House requiring said committee to inquire into the expediency and practicability of enacting a law to compel persons or companies bringing salt into this State, to weigh the same before selling, and to take pay for no more than they shall absolutely furnish to the purchaser; and further, if some law cannot be enacted, which shall prevent the monopoly of salt within this State, have had the same under consideration, and instructed me to report, that it is inexpedient to legislate upon that subject.

In which the House concurred.

Mr. McClure, from the same committee made the following report:

**MR. SPEAKER—**

The judiciary committee to which was referred bill No. 49, to amend an act entitled, An act relative to crime and punishment, have had the same under consideration, and directed me to report it back to the House without amendment.

Said bill was read a second time, when

On motion of Owen, amended by striking out the word "solitary."

On motion of Mr. Proffitt, said bill was laid on the table.

Mr. Hurst, from the same committee, also reported back to the House, bill

No. 141, for the relief of John Rodolph Fischli, without amendment;

Which was read a second time and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Marshall, (leave being granted,)

*Resolved*, That the board of internal improvement be requested to communicate to this House, any fact or estimate which the files of their office, or the office of the Chief Engineer may furnish, going to shew the probable amount of interest which will be due on the loans for internal improvement for each year, in the prosecution and completion of the system of improvements, and also an approximate estimate of income from tolls or other sources of revenue, together with the probable rate of taxation required for each year to make up the deficit, with such explanation or suggestion, connected with the subject as may be considered important.

Mr. Brenton, from the judiciary committee, made the following report:

MR. SPEAKER--

The judiciary committee, to which was referred a resolution of this House, instructing them to inquire into the expediency of so amending the laws of this State, as to compel each and every county to pay the expense of keeping their criminal or criminals, which may be removed from one county to another for safe keeping or otherwise; report that the fourth section of An act authorizing the arresting and securing fugitives from justice, approved, February 12th, 1838, sufficiently provides for that subject, and that further legislation on the subject is inexpedient.

In which the House concurred.

Mr. Hanna (leave being granted) presented the petition of Thomas Fitz Gibbon on the subject of a canal contract;

Which was read and referred to the committee on canals and internal improvements.

Mr. Perine (leave being granted) presented the petition of Samuel Wallace and others, praying for a review of part of a State road therein named;

Which was referred to the committee on roads.

Mr. Thompson from the committee on agriculture made the following

## REPORT:

The committee on agriculture, to whom were referred sundry resolutions instructing them "to inquire into the expediency of encouraging the production of silk, within the State of Indiana:" Of "creating a fund to be distributed in premiums, for the encouragement of the

growth of wheat," referring to them so much of the Governor's message as relates to the conferring of premiums:" Also, "as relates to agriculture:" Also to inquire into the expediency of loaning the State Agricultural Society, ten thousand dollars, out of the Saline fund, for the term of ten years, at six per cent. interest, for the purpose of importing Durham and other improved cattle: Of "encouraging by suitable premiums the production of silk; sugar from the sugar-beet; iron and salt; whithin the State of Indiana," beg leave to report,

That they have had the several subjects referred to them under consideration. That abundant evidence exists of the ability of Indiana to produce the various commodities embraced in the resolutions referred, and that they can find no good cause why the recommendations of his Excellency the Governor on this subject, should not be carried into effect by the representatives of the people.

The introduction of the silk culture into other states has already been a source of profit. New methods of managing the *Morus Multicaulis*, or Chinese Mulberry, have been devised by American perseverance, which afford much safety against the effects of climate, and a vast saving of labor in gathering food for silk worms. New machines for the reeling, spinning, and weaving of silk, have been invented by the skill of our fellow citizens, which renders the conversion of cocoons into various fabrics no greater task than the conversion of flax or cotton into cloths, diapers, &c. This being effected while this enterprise is in its infancy in our country, why should Indiana not participate in the benefits resulting from it? The labor of producing silk, is adapted to the condition of many of our citizens, disqualified by age, decrepitude, sex, and we may say, infancy, from embarking in more arduous labor. Our soil, climate, and location, are favorable. It is an article with which our citizens cannot dispense. It costs the nation many millions of dollars, annually. Other State legislatures have awarded premiums for its production; and although it is possible, that in some instances, speculations have been made on the raising and sale of the mulberry, your committee can see no good cause why encouragement should be withheld from so valuable a branch of industry, by the legislature of this State. If fostered, and the energies of our citizens are stimulated by legislative bounties, it bids fair to furnish an indispensable commodity for home consumption, save the exportation of much of our circulating medium, and in a few years, create such an amount of values, within our State, as will richly remunerate our State Treasury for the amount which it may be necessary to distribute as premiums.

Under these impressions, your committee conceive that the production of silk within our State, is an object well worthy of legislative encouragement.

The cultivation of the sugar-beet, and the manufacture of sugar therefrom, is another important object. Sugar is an article that constitutes an item in the consumption of every family; and, notwithstanding the modification of the tariff, the extension of the cultivation of the sugar-cane, and the aid of steam power in its manufacture, to a

very great extent, the enormous price which sugar commands, occasions a heavy drain upon the profits resulting from our exportations. And, were it not for the industry of some of our citizens, in manufacturing sugar from the forest, this drain would be almost insupportable. But, high as is the price of this article, we find many who possess the best groves of sugar trees, who will pay this price rather than encounter the exposures to which the sugar-making season subjects them, and incur the loss occasioned by a diversion of their attention from other objects, at that important period of the year.

The sugar-beet has been ascertained to contain more saccharine matter than even the rich sugar cane produced in the French West India islands. The process of extracting the sugar from the beet, is less expensive than from the cane—better adapted to the capacities of families, and yet holding out greater inducements to the extensive manufacturer.

The process, although much simplified, is yet becoming more simple by experience.

No soil is better adapted to the production of the beet, than the rich bottoms, alluvial prairies, and uplands of Indiana. While even her clayey soils, by proper care, can be made to produce a good crop.—These can be gathered at the proper season, without infringing upon the time indispensable to be devoted to other objects, and by a small expenditure in the preparation, can be manufactured, at leisure, during the winter season, when the pulp of the beet, after the sugar is extracted is most valuable as food for young stock; and this time of families, which has usually been of little avail at that season, be profitably and pleasantly employed. In many instances, capitalists will be induced to erect extensive manufactories, where the business will be carried on upon the most scientific and economical principle. This will save, as well as create, wealth within our State. To hasten this, may not premiums be profitably offered, as an inducement to draw public attention and public effort to this enterprize?

In the progress of the Geological Survey of our State, it has been ascertained, that immense deposits of iron ore abound in certain sections of it, and that every facility for converting it into iron, exists in the vicinities of these deposits. The citizens of Indiana are sending immense amounts of money abroad for the article of iron. The demand for this article is fast increasing. In addition to our increasing wants for agricultural and mechanical purposes, in the construction of our rail ways, immense amounts of iron must be used. In sending abroad for it, we are paying others for labor which ought to be performed at home—for materials which abound in our own State—for the water or steam power that is used, not only for converting ore into iron, but for manufacturing iron into almost every implement used in all our departments of domestic labour;—also for the machinery employed, for the capital invested—for timber, which forms a component part of these implements—for the transportation of the same, and for the profits of those who are engaged in the importation of iron, and of the commodities manufactured of it. Your committee view these

expenditures as of a class that should be dispensed with as speedily as possible. They feel that it will be a proud day when our waterfalls, our coal banks, and our ore beds, are drawn upon for a full supply to meet all our demands. Let furnaces be established, and forges will follow in quick succession. The rolling, the plating, the slitting mill, the nail manufactory, the engine shop; all, all these, and a host of others, will rise up to enrich our State, and furnish the almost innumerable wares now manufactured abroad, without the importation of which, at the present time, our hardy and industrious population could not progress in any of their enterprizes. Your committee have, therefore, come to the conclusion that it is not only good policy to offer premiums for the manufacture of iron, but that it is a duty which this Legislature owes to those whose best interests have been confided to it. By offering a proper bounty on the manufacture of iron, capitalists from abroad will have a greater inducement to migrate to our State; artizans will come among us, and our streams, coal banks, mineral deposits, and our forests, and quarries, be converted into permanent articles of wealth, to enrich our citizens, and replenish our treasury. In addition to this, millions of mute operatives, propelled by steam and water power, will be put in operation, the avails of whose labour will not only contribute to the comfort and prosperity of our citizens, but, to an almost inconceivable extent, enrich our State.

Many sacrifices of ease, and of money, have been made by individuals, in searching, by boring after salt water. The researches of these enterprizing and patriotic persons, have resulted in demonstrating the important fact, that an abundant supply of this indispensable article may be obtained within our State. Your committee deem it superfluous to advance any of the numerous arguments that present themselves in favor of the most liberal legislative action, to secure a home supply of this article, which enters into the consumption of every family within our State; upon which the preparation of our most valuable staple so entirely depends; the scarcity of which is likely to prove so mischievous to the interests of our pork raisers and dealers the present season, and to be so great a tax upon our citizens in general. If, in any pursuit of public interest, the industry and enterprize of its citizens should be stimulated by any government, certainly legislative encouragement should be extended to this, at the present period, within our State.

Entertaining these views, your committee have confidence in recommending the above enumerated articles, as especially worthy of specific encouragement, by appropriations from the State Treasury, to be distributed as premiums for their production.

At a period when foreign nations are competing with American grain growers in their own markets; and when several of our sister States, lying upon the Atlantic, have found it beneficial to offer bounties to stimulate their citizens in the production of wheat, there is too much evidence in favor of the benefits resulting from, and of existing necessities for, the taking of measures to induce the farmers of our

State to give more attention to the cultivation of this invaluable crop, for your committee to hesitate in recommending legislative encouragement to this object also. But on reflecting upon the great interests embraced in the improvement of the husbandry of our State in general, they were constrained to pause, and deeply to meditate upon the best means of accomplishing this great desideratum.

The diversity of our soil rendering some neighborhoods more peculiarly adapted to the production of certain staples than of others; and the encouragement of a division of labor, and the multiplicity of products, as well as the improvement in quality and in quantity of all, being considerations of the highest importance; your committee were brought to the conclusion, that appropriations for distribution as premiums by county Agricultural Associations, under the direction of the members of a Board of Agriculture for each county, would be the most certain way to attain the desired object, and have therefore reported a bill, authorizing appropriations from the State Treasury to each of the county associations, for the purpose of aiding in the originating of a fund for the use of county associations: a fund to be distributed in premiums for the promotion of the growth of wheat, as well as other agricultural products of our State.

After due deliberation on the resolution which proposes the loaning of ten thousand dollars of the saline fund to the State Agricultural Society for the purpose of importing improved Durhams and other stock, your committee are of the opinion, that so much of that fund could not be devoted to a more profitable object. It is a well established fact, that the half-blooded calves of the improved Durhams, will sell, at weaning, for \$20, while those of our scrub breed will only bring 3. Here is an average advance of \$17 on each calf that may be produced of the half blood Durhams, within our State. The full blooded calves demand a price in proportion. It has been urged by some, that this is a mere speculation, and that soon these would become plenty, and a consequent depreciation would be the result. Not so. In England, where they are more numerous than in any other country, this has not been the result. It cannot be the result in this country, from the fact that these cattle are intrinsically worth the prices which they command there, either for the dairy or the shambles.

Their intrinsic value bears the same proportion here. A calf, weighing from one thousand to twelve hundred at a year old, is worth more than five times as much as one weighing two hundred at the same age. It will increase faster in weight, in proportion, as it becomes older, and arrives at maturity at an earlier period. Therefore it does not require as much feed to produce a given number of pounds of beef, and the profits therefrom are sooner realized. To introduce this stock generally throughout our State, and with them to supplant the ordinary kinds, is an object which would at once give such an increase of wealth as would, long ere ten years will elapse, throw into the treasury an amount far exceeding that of this loan; it would therefore be a good investment, were the loan to be a donation. But when the amount

is drawing six per cent. interest, and aiding a competent body of men to confer upon the State at large such an essential good, upon a more economical principle than any other by which this object can possibly be accomplished, your committee cannot conceive of any objection to the measure.

It will be seen, that at a much lower estimate of the value of these animals, the introduction of them generally would be a vast accession of wealth to our State; and in order to progress with our other improvements, it is indispensable that the creation of values should be cherished in every possible form.

Having, as they conceive, considered each matter referred to them, your committee will here take occasion to say, that although the act now in force incorporating County Agricultural Societies has in some instances failed in certain objects it was intended to accomplish, it has nevertheless been productive of much good. Associations have been formed, and fairs instituted in very many counties; a spirit of improvement, not only in agriculture, but in various branches of domestic manufacture, of immense value to the State when considered collectively, has been excited. Experimental knowledge has been acquired, which, if once embodied and disseminated to all, would be of great practical utility, being especially adapted to our location. But inasmuch as no appropriation was made to enable the State Board of Agriculture to carry out the duties enjoined upon it by the law; and inasmuch as the Secretary of the Board removed from our State more than a year ago, since which time there has been no regular channel of communication between the State Board and the different county associations, this information has been permitted to remain without compilation, and without being published, and consequently the State has been deprived of the beneficial influences which it would have dispensed.

Your committee are therefore of the opinion that, at a period when we are importing every thing and exporting but little; and when our sister States of the Atlantic are giving the most liberal legislative encouragements for the production of values, that these county associations and fairs, and the information that may be acquired through them, are of too much importance to the State to be neglected. They therefore deem it expedient that a Secretary be appointed to the State Board, and that an appropriation be made to enable the Board to carry out the objects of its formation, as set forth in the present existing law.

Another subject which has forcibly presented itself to your committee, as somewhat oppressive of, and calculated in a degree to retard the onward march of agricultural improvement, is taking into the valuation of farms, the *improvements thereon*. That this has a tendency to burden the enterprising and industrious man who expends his labor and capital in the removal of our forests, and to benefit the speculator who devotes his efforts to other objects and invests his capital in unimproved lands, for the purpose of awaiting the rise thereof, in consequence of the labor and investment of the capital of others in

the improvement of our country, appears quite evident. Nor is it any less evident that it is unequal in another respect; the individual who improves and cultivates the soil not only pays a tax upon his improvements, but also upon the *products* of these improvements, drawn from the strength of his labor and the soil he possesses; the latter of which and the devouring hand of time preying upon the perishable parts of his improvements, tend to lessen them in value, while the unimproved possessions of the speculator are advanced in value by the rise in property consequent upon the improvements in the surrounding country.

Your committee therefore have deemed it their duty to suggest to this honorable body, the good policy of passing such an act as will place the industrious and enterprising pioneer upon at least an equal footing with the speculator—an act that will only admit of taking into the estimate of lands, the value thereof in their unimproved state.

Your committee are not only of the opinion that such a measure is called for by the principles of common justice, but also by those of good policy, as they have no doubt the result would speedily prove. It seems to them that such a measure would induce the investment of vast amounts of capital in the improvement of lands that will, without it, remain many years unproductive; which, when once improved, will be employed in the production of values that will speedily amount to much more than the improvements would be valued at—so that our State would not only be enriched by permanent and valuable improvements of which she cannot be divested by their removal, but her treasury would be more than remunerated, from the increased amount of the products which would be drawn annually from her luxuriant soil; in addition to which much capital would be introduced from abroad, and invested in improvements, from the products of which also an increasing revenue will constantly be accumulating to the State.

Your committee, while engaged in this investigation, have experienced much embarrassment on account of the entire absence of any statistical information of the amount of agricultural and manufactured products, setting forth individually the quantity and value of each in the districts in which they are produced or manufactured. And, your committee deem it an object of much importance that this legislature so amend the law regulating assessments, as to make it the duty of assessors to ascertain and return these facts annually, which are so essential in legislating understandingly upon the great interests of agriculture, commerce or internal improvements; especially as this information would form data whereon to make an estimate of our exports, indicate the points hereafter to be aided by providing facilities for transportation, in order to equalize the value of products in different districts, and enable those whose duty it may hereafter be to legislate upon the subject of agricultural improvement in our State, to understand distinctly the items in our products most necessary to be encouraged, in order to furnish a supply for home consumption, and to meet demands in foreign markets, that a proper division of labor may be

kept up, directed to the rearing and manufacturing of the most profitable commodities. Your committee have therefore directed me to report the following bills

No. 161, to amend an act entitled An act incorporating agricultural societies.

No. 162, to promote the culture of silk, and the manufacture of salt, iron and sugar;

Which were both read a first and second time, the rule being suspended, laid on the table, and five hundred copies of each ordered to be printed.

Five hundred copies of the report was also ordered to be printed.

Mr. M'Cormick made the following report:

MR. SPEAKER—

The select committee to which was referred the petition of Sarah Primley, have had the same under consideration, and directed me to report bill

No. 163, for the relief of Sarah Primley,

Which was passed to a second reading on to-morrow.

Mr. Champer made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Eli Toliver and others, citizens of Owen county, on the subject of a State road, have directed me to report bill

No. 164, to locate a State road from Spencer in Owen county to Anguilla in Clay county,

Which was read and passed to a second reading on to-morrow.

Mr. Carr of J. made the following report,

MR. SPEAKER—

The select committee to whom was referred a bill to vacate so much of the town of Lebanon in the county of Jackson, known as Nancy Woods and Lawrence Woods's addition to said town, have, according to order, had the same under their consideration and have directed me to report the same back to the House with one amendment, which is, to insert in its appropriate place the following proviso:

Provided that nothing herein shall be so construed as to vacate any public highway laid out by lawful authority in said town.

The House concurred in the report of the committee,

And said bill was read a second time and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Gregory,

*Resolved*, That the fund commissioners be requested to report to this House the true situation of the lots taken by them in settlement with

the Cohens and Company, generally termed water lots, in Brooklin and in the city of New York; That, if any one of the members of said Board of commissioners be at this time in Indianapolis, he be most respectfully requested to give the above information; and that the clerk of this House furnish the Board of fund commissioners or any one of them with a copy of this resolution.

On motion of Mr. Dumont,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing by law for the appointment of a general administrator in each county of the State, whose duty it shall be to administer on the estates of all persons dying without next of kin who are qualified to administer, or who shall not, within the space of fifteen days after the decease of such person so dying, claim such administration and qualify themselves accordingly.

On motion of Mr. McNary,

*Resolved*, That the committee on judiciary be instructed to inquire into the expediency of so amending the law now in force, as to allow witnesses summoned to appear before the court the sum of one dollar and twenty-five cents per day, (the amount now allowed jurors) as a compensation for their services.

On motion of Mr. Matson,

*Resolved*, That the Senate be respectfully requested to furnish this House with a copy of the report of the Lawrenceburg and Indianapolis railroad company for this year.

On motion of Mr. Cooper,

*Resolved*, That the committee on ways and means be instructed to inquire whether or not the State of Indiana has a legal right to levy a tax on lands reserved to individuals by treaty stipulations and patented by the government of the United States previous to the expiration of five years from and after the confirmation of such reserve by the President of the United States; with leave to report by bill or otherwise.

On motion of Mr. McClure,

*Resolved*, That the committee on canals and Internal Improvement be instructed to inquire into the expediency of suspending operation on the west fork of the Whitewater canal, for the present; and of transferring the funds and labor appropriated to said work to the East fork of said canal, which shall terminate at Richmond, Wayne county; and in the event that such transfer should not be practicable, then to inquire into the expediency of fixing the point of termination of said canal at the National road in the county of Wayne; with leave to report by bill or otherwise.

On motion of Mr. Thompson.

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of so amending the revenue laws, as to exempt from taxation all improvements on lands, (except on buildings over a certain value,) and of providing for an equitable mode of assessing the value of all real estate, taking into consideration the quality of

soil, as well as all advantages arising from their convenience to public works.

On motion of Mr. Monroe,

*Resolved*, That the judiciary committee be instructed to inquire into the constitutionality of distributing the seminary fund among the common schools in each county in this State.

On motion of Mr. Morgan,

*Resolved*, That the secretary of this State be requested to inform this House whether the Harrison and Indianapolis turnpike company has filed in his office their acceptance of an amendment to their charter, approved Feb. 5, 1837.

On motion of Mr. Johnson of Monroe,

*Resolved*, That the Education committee be directed to inquire into the expediency of appropriating        dollars, for the purpose of purchasing a fire engine for the use of the Indiana State University, at Bloomington; and report by bill or otherwise.

On motion of Mr. Helmer,

*Resolved*, That the judiciary committee be instructed to inquire, what change, if any, is necessary, as amendatory or explanatory of an act, entitled An act regulating the interest of money in the State of Indiana, approved Feb. 1, 1831, as compiled in the revised Statute of 1838; to report by bill or otherwise.

On motion of Mr. Wyman,

*Resolved*, That the fund commissioners be requested to report to this House, as early as possible, the whole amount of State bonds sold by them or their predecessors for internal improvement purposes, (as authorized by the act of 1836,) to the 1st December, 1838; to whom sold, the time and conditions of such sale, when and where payable, how much has been drawn and paid the board of internal improvement, how much remains undrawn; how much on deposit, with whom deposited, and the conditions of such deposite; the amount of interest paid by them on such bonds to the 1st day of December, aforesaid, and the source from which the means was derived to pay such interest; and that the clerk be required to transmit a copy of this resolution to the fund commissioners.

Mr. Hunt offered for adoption the following:

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of extending the Whitewater canal from Hagarstown, up West river to the county line dividing Wayne and Randolph counties; and report by bill or otherwise.

Which resolution was not adopted.

On motion of Mr. Truelock,

*Resolved*, That the committee on canals and internal improvement, be instructed to inquire into the expediency of providing by law for an equal division of the three per cent. fund, that will hereafter become due to this State, between those counties that were not provided for in the general system of internal improvement, to be expended on some permanent and public roads in said counties, under the direction of the board doing county business in each of said counties.

On motion of Mr. Milroy,

*Resolved*, That the committee on canals and internal improvement, be instructed to inquire and report to this House, whether in their opinion, the interest of the State, does not require the recall of Dr. Coe, one of the fund commissioners

who, it is said, has returned to New York, on business connected with the board of fund commissioners; and also to inquire, what alteration is necessary in the laws authorizing said board; with leave to report by bill or otherwise.

Mr. Reynolds offered for adoption the following:

*Resolved*, That the committee on elections, be instructed to inquire into the expediency of so amending the law, as to confine the election of county commissioners to their respective districts; with leave to report by bill or otherwise.

Which resolution was not adopted.

On motion of Mr. Cooper,

*Resolved*, That the committee on the judiciary, be instructed to inquire whether our laws relative to jails and jailors are sufficient to guard against escapes; and whether sufficient provisions are made by law to secure the health of prisoners, or to secure them from being treated with unnecessary rigor; with leave to report by bill or otherwise.

Mr. Field offered for adoption the following resolution:

*Resolved*, That the committee on public buildings be instructed to inquire into the propriety of giving 500 dollars to aid in the purchase of a fire engine, hose, &c., for the State prison at Jeffersonville;

On motion of Mr. Proffit, said resolution was amended as follows:

Also, 500 dollars for an engine for the use of the Bloomington college.

On further motion of Mr. McClure, amended by inserting \$200,000 to the improvement of the Mich'gan road.

Said resolution, as amended, was laid on the table.

On motion of Mr. Terrill,

*Resolved*, That the Judiciary committee be instructed to inquire whether the constitution of the United States, or the constitution of the State of Indiana, has given the power to the Legislature to pass any law recinding contracts without the consent of all the contracting parties.

On motion of Mr. Milroy, said resolution was amended as follows:

Also, to inquire whether the real or personal property of private individuals can be taken by the State without the consent of the owner.

On motion of Mr. Gregory, said resolution was further amended as follows:

And also whether, when an agent of the State exceeds the power given him in making contracts, the State is bound thereby.

Said resolution, as amended, was adopted.

On motion,

The House adjourned until to-morrow morning, nine o'clock.

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## WEDNESDAY, JANUARY 9, 1839.

House met pursuant to adjournment.

Mr. Marshall presented the petition of Joseph H. Hendricks, on the subject of a contract on the Madison and Indianapolis railroad;

Which was read and referred to the judiciary committee.

Mr. Vance presented the petition of Solomon Johnson and others, on the subject of a State road therein named;

Which was referred to the committee on roads.

Mr. McClure presented the petition of Joseph Orr and others, praying a change in the act to prevent frauds and perjuries;

Which was read and referred to the judiciary committee.

Mr. Field presented the petition of M. G. C. Pyle and others, on the subject of regulating by further legislation, the law in regard to pilots at the falls of the Ohio river.

Mr. Hurst presented the remonstrance of William Bowman and others, on the same subject;

Both of which were referred to the same select committee to which a bill on the same subject was heretofore referred.

Mr. Morgan presented the petition of Levi Birt and others, praying for the incorporation of a turnpike company to construct a turnpike road from Kushville to Indianapolis;

Which was read and referred to a select committee of Messrs. Morgan, Rush, Alley, Powell, Peaslee, Chapman, Johnson of Marion, and Hanna.

Mr. Champer, from the judiciary committee, made the following report:

**MR. SPEAKER—**

The judiciary committee, to whom was referred bill No. 77, To sell certain real estate therein named, have had the same under advisement, and directed me to report it back with one amendment, to strike out said bill from the enacting clause and insert the following:

The House concurred in the report of the committee.

And said bill was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Pettit, from the same committee, made the following report:

**MR. SPEAKER—**

The judiciary committee, to whom was referred a resolution of the House, directing an inquiry into the expediency of equalizing the salaries of the Supreme and Circuit Judges, have had the same under consideration, and have directed me to report the accompanying bill:

No. 165, To fix the salary of the Governor and Judges of the Supreme and Circuit courts;

Which was read, and passed to a second reading on to-morrow.

Mr. Kinney, from the same committee, made the following report:

**MR. SPEAKER—**

The committee on the judiciary, to whom was referred sundry petitions from citizens of Clark, Jefferson, and Scott, praying the passage of a law making counties liable for damages done by mobs within their limits, have had the same under consideration, and directed me to report the following bill:

No. 166, To provide indemnity for property destroyed by mobs;

Which was read and passed to a second reading on to-morrow.

Also, from the same committee, the following report; in which the House concurred:

MR. SPEAKER—

The committee on the judiciary, to whom was referred sundry petitions of people of color, in the county of Jefferson, praying the passage of a law securing the right of trial by jury in all cases where personal liberty is concerned, has had the same under consideration, and instructed me to report, the law of the state now secures that right as perfectly as state legislation can do it.

Mr. Graham, from the judiciary committee, made the following report:

MR. SPEAKER—

The judiciary committee have instructed me to report back to the House without amendment, bill of the House

No. 13, For the relief and benefit of Solomon Vanada of Warrick county;

Which was read a second and third times, the rule being suspended, and passed.

*Ordered*, That the Senate be informed thereof.

Mr. Brenton, from the same committee, made the following report; in which the House concurred.

MR. SPEAKER—

The judiciary committee, to which was referred a resolution of this House, instructing them to inquire into the expediency and practicability of so amending the laws of this State, that hereafter the circuit courts shall have power to inquire into the deportment, and punish justices of the peace for all malfeasance in office, in as full and ample manner as the legislature may or could do at present, and to suspend them from office upon sufficient proof, where necessity and the good of the public may require it, report that legislation on that subject would be unconstitutional, inexpedient, and impracticable.

Mr. Judah, from the same committee, made the following report:

MR. SPEAKER—

The committee on the Judiciary, to which was referred a resolution on the subject of electing county and township officers, have directed me to report bill

No. 167, to amend an act entitled An act to provide for the election of county and township officers,

Which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Kinney, from the committee on education, made the following report, in which the House concurred:

The committee on education, to whom was referred a resolution of this House, directing it "to inquire into the practicability and expediency of establishing a law which shall more effectually prevent our public institutions of education from fostering and cherishing one religious sect to the exclusion of another,"

## R E P O R T

That, from the terms of the resolution, they have had some difficulty in determining the precise nature of the inquiry directed. We have many public institutions devoted to literary purposes, but as they are all governed either by authority given by charters, and supported by private funds, or are under the direct or indirect government of the people, except the State University at Bloomington, it is supposed this last institution is meant by the resolution. Your committee is deeply impressed with the conviction that this institution should be governed upon liberal principles, that the citizens of the state may be able to point to it with pride, and repose the most unlimited confidence in the integrity, capacity, and liberal views of those who have the immediate charge of its affairs; and would feel themselves guilty of a gross dereliction of duty were they to fail in the disclosure of any fact tending to shew a different management of its affairs. Your committee, from a desire to learn the whole truth, have considered the characters of the trustees of this college; and certainly, if talents, experience, and well known public services can furnish any assurance of enlightened liberal policy in the government of the college, we have this assurance in the gentlemen who constitute the board of trustees. And we should not lose sight of the fact, that the board is appointed by the representatives of the people of the whole state. They are at present Paris C. Dunning, Robert Dale Owen, Isaac Blackford, Nathaniel West, William Hendricks, Jesse L. Holman, S. R. Houshour, John Law, Tilghman A. Howard, James Farrington, James Blair, Wm. Turner, C. C. Ballard, Allen Wiley, Joshua D. How, Leroy Mayfield, David Wallace, Hiram A. Hunter, David G. Mitchell, Richard W. Thompson, and Seth M. Levenworth. Eight of these gentlemen are believed to be members of no church; four, members of the Methodist E. Church, two of the Presbyterian, two of the Campbellite, two of the Baptist, one a Covenanter, one of the Associate Reform, and one of the Cumberland Presbyterian. If, therefore, we have no confidence in the integrity, patriotism and enlarged views of the gentlemen, we should hardly suspect them of combining together to favor any one religious sect to the exclusion of all others or of any other. But, as any suspicion in the public mind (however unfounded) would lessen the usefulness of this institution, it has been thought proper to push the inquiry a little further, and ascertain if possible, whether in any other department of the college, sectarian principles have been inculcated; and whether one sect has in fact been favored to the exclusion of others. The uni-

ted testimony of those who have enjoyed the benefits of the institution, of citizens who have been conversant with its management, and of others whose duty it has been to inform themselves of the nature of the instruction imparted in its halls, is, that the president and professors have carefully avoided the discussion or inculcation of sectarian doctrines, and that students have in no instance been persuaded in the least to change their religious course, nor has any effort been made to produce on their minds the slightest sectarian bias. There are no legal restraints in religious matters upon the trustees of this state institution; they are left entirely untrammelled in the conduct of its affairs. In the selection of those who shall be the lights of these halls of science, the trustees are confined to no sect, party, or country, nor should they be. And if in the choice heretofore made, a majority of its professors and the president have been of the same faith (and it is admitted to be so) there can be no suspicion from the character of those who made these selections, that it has been the result of design. Your committee, however, notwithstanding these expressions of confidence, feel constrained to say, that in their opinion, some prompt and decisive action on the part of the trustees of the college is necessary to give it that rank which, from its liberal endowment, the people have a right to expect. But it is believed that this end cannot be attained by legislative enactment, without further light as to the causes which have retarded its prosperity. The adoption of the following resolution is therefore recommended.

Joint resolution No. 148, relative to the Indiana college;

Which was read and passed to a second reading on to-morrow.

On motion of Mr. Dole,

Five hundred copies of said report was ordered to be printed.

Mr. Dumont, from the same committee, made the following report, in which the House concurred:

The committee on education, to whom was referred the petition of sundry citizens of Carroll county, on the subject of providing by law for taking certain lands therein named, have had the same under consideration, and have instructed me to report, that they consider the subject matter of said petition to come more immediately under the province of the committee of ways and means; that petitions on the same subject have been referred to the committee of ways and means, and that they would therefore recommend a similar reference of this petition.

Mr. Devin made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of J. E. Wood and others, citizens of Gibson county; have had the same under consideration, and after full investigation, have directed me to report the following bill:

No. 169, to repeal a part of the 84th section of an act entitled An act establishing State roads;

Which was read twice, the rule being suspended, and referred to the committee on roads.

Mr. Thompson, from a select committee made the following report, in which the House concurred:

MR. SPEAKER—

The select committee to whom was referred a resolution directing them to inquire into the expediency of authorizing a sale of State bonds, redeemable in twenty-five years, to be applied to the opening and improving of the most important State roads in the several counties in this State, pledging the three per cent. fund for the payment of the interest, &c.,

Report, that they have had that subject under consideration, and after having examined all the data within their reach, have ascertained the following facts:— 1st, That there is now appropriated, over the amount received from the United States, the sum of \$124,881.79. 2d, That the whole amount of land in this State remaining unsold on the 1st of September, 1837, was 4,710,310 acres; which if all sold at an average of \$1 25 per acre, would place in the hands of the agent of the three per cent. fund, the sum of \$176,644.11. From which deduct the sum of \$124,881.79; the amount heretofore appropriated, and not yet received from the United States, and the sum of \$16,000, the amount received by the agent of the three per cent. fund, in the year 1838; and it leaves a balance of \$35,762.32, over the sum already appropriated. Your committee are of opinion that the present appropriations will not be realized in twenty years to come. They therefore ask to be discharged from the further consideration of the subject.

Mr. Champer made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Jonathan Payne and others, citizens of Montgomery township in Owen county, praying a justice of the peace and constable in the town of Mill Grove, have considered the same, and directed me to report the following bill:

No. 170, to provide for the election of a justice of the peace and a constable in the town of Mill Grove, Owen county;

Which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Kenton made the following report:

MR. SPEAKER—

The select committee to which was referred the petition of sundry citizens of Jasper, in regard to the locating of the seat of justice of Jasper county; also, the petition of sundry citizens of Jasper and Newton, in regard to the consolidation of the counties of Newton and Jasper; also, remonstrances from the same, on the same subject, have had the same under consideration, and have directed me to report a bill in accordance with the prayer of the petition,

No. 171, relative to the location of the seat of justice of Jasper county, and for other purposes;

Which was read, and passed to a second reading on to-morrow.

Mr. Williams made the following report:

MR. SPEAKER—

The select committee to which was referred the petition of Aaron Goodwin and others, praying for a change in the State road leading from Greencastle, in the

county of Putnam, to Martinsville, in the county of Morgan, as lies between Ventersville and the Putnam county line; now report a bill in accordance with the prayer of the petitioners;

No. 172, re locating so much of the State road from Greencastle to Martinsville, as lies between Ventersville, in Morgan county, and the Putnam county line;

Which was read, and passed to a second reading on to-morrow.

On motion of Mr. Owen, bill

No. 139, to modify the plan of carrying on the public works, and to secure their ultimate completion, and amendatory of an act to provide for a general system of internal improvements, was made the special order of the day, for every day, at 2 o'clock, P. M., until disposed of.

On motion of Mr. McCormick,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of passing a law making it an indictable offence, to throw any dead animal into any river, creek, or well, lake or pond, in this State, to report by bill or otherwise.

On motion of Mr. Smyth,

*Resolved*, That the Treasurer of State, be authorized and directed to employ some mechanic to make a suitable case for the purpose of preserving the papers, journals, and documents of this House, by the time of the adjournment of the present session of the General Assembly.

On motion of Mr. Mason,

*Resolved*, That the Board of Internal Improvement be requested to report to this House, the names of the several commissioners that have exceeded the amount of work directed to be let by the Board upon their respective lines, and whether the interest of the works required such excess; also, the comparative price of work so let, with the estimated price of the engineer.

On motion of Mr. Field,

*Resolved*, That the Secretary of State be instructed to lay before this House, the reports of the Superintendents of the State prison.

On motion of Mr. Rose,

*Resolved*, That the Board of Internal Improvement be requested to report to this House the whole amount of internal improvement included in the system of internal improvement authorized by the law of 1836, setting out in tabular form the length of each work separately; the estimated cost of constructing each work separately; the amount of each work now constructed and under contract; the difference between the estimated and actual costs of construction; what length of time it will require to finish the contracts now on hand and unfinished; the difference between the costs of the works already let and those yet to be let; so as to exhibit at one view the amount of cost already incurred by the State for internal improvement, and the probable amount it will require to finish the whole amount of improvements for which the state stands pledged, with the probable time it will require to finish said work, with all other matters which they may think proper to suggest in said table; and that they report as soon as practicable.

On motion of Mr. Stewart,

*Resolved*, That the committee on ways and means be instructed to inquire whether merchants are compelled by law to take out license for vending foreign merchandise, and if so, to inquire into the expediency of repealing the same; with leave to report by bill or otherwise.

On motion of Mr. Milroy,

*Resolved*, That the committee on the State prison be instructed to inquire into and report to this House, whether corporal punishment, by whipping, has been practised by the keepers of the State prison, on the convicts; if so, to what extent and for what objects such punishments have been inflicted; and if necessary said committee have power to send for persons and papers.

On motion of Mr. Milroy,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of changing the laws under which the State prison is farmed by individuals, and provide for the appointment of a keeper of said prison, who, under the direction of a proper board of visitors or inspectors, shall have the direction and management of the institution.

Mr. Proffitt offered for adoption the following resolution:

*Resolved*, That the judiciary committee be instructed to report a bill providing by law that the carrying of any Bowie knife, Arkansas toothpick, or other deadly weapon, shall in all cases be considered as *prima facie* evidence of malice, and also to provide by law for the prevention of the sale of such weapons in this State.

Mr. Herriman moved the previous question, which was seconded by a majority of the House.

The House also decided that the main question should now be put; which was,

Shall the resolution be adopted?

And the ayes and noes being demanded thereon by Messrs. Herriman and Hubbard,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker Boon, Brenton, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Dole, Eggleston, Field, Glass, Graham, Gregory, Hanna, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Jones, Judah, Kenton, Kilgore, Kinney, Lewis, Major, Marshall, Mason, Matson, McCarty, McClure, McCormick, McNary, Milroy, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Perine, Powell, Proffitt, Puett, Reynolds, Riley, Rose, Rush, Sands, Stewart, Terrell, Thompson, Townsend, Truelock, Willey, Williams, Wilson of M., Wines, and Wyman—75.

*Those who voted in the negative were*

Messrs. Bowles, Champer, Cline, Cutter, Dumont, Eldridge, Flint, Lane, Monroe, Smydth, and Spann,—11.

So said resolution was adopted.

Mr. Johnson of Monroe offered for adoption the following resolution:

*Resolved*, That the committee of ways and means be directed to inquire into the expediency of levying a direct tax of five dollars on each practising lawyer and physician, and two dollars on every thousand dollars of capital stock of each and every merchant and druggist, in addition to the present tax, and six dollars on every tippling shop, otherwise called coffee houses, and that said tax be applied to the payment of interest on state bonds.

Mr. Pettit moved to amend said resolution by striking out the word "five" as to lawyers and physicians, and insert in lieu thereof "twenty-five;" when,

On motion of Mr. Albertson,

Said resolution and amendment were indefinitely postponed.

On motion, House adjourned.

*Two o'clock, P. M.*

House met.

The Speaker laid before the House an index and map from the Geologist of State;

Which was ordered to be printed with the report of that officer.

The House now took up bill,

No. 139, To modify the plan of carrying on the public works, and to secure their ultimate completion, and amendatory to an act entitled An act to provide for a general system of internal improvements, approved 27th Feb., 1836.

Mr. Milroy moved to lay the pending motion of reference to the committee on canals and internal improvements, and the instructions and pending amendments thereto, on the table.

And the ayes and noes being requested thereon by Messrs. Cutter and Milroy.

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brown, Bryce, Carr of J., Carr of L., Chapman, Conaway, Cotton of P., Cotton of S., Devin, Dole, Dumont, Eggleston, Field, Glass, Gregory, Hanna, Hendricks, Johnson of Marion, Jones, Judah, Kenton, Lewis, Major, McCarty, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Parker, Perine, Pettit, Powell, Puett, Rile, Rose, Rush, Sands, Townsend, Truelock, Wilson of H.—51.

*Those who voted in the negative were*

Messrs. Allison, Brenton, Bright, Bryant, Champer, Chiles, Cline, Cogswell, Cooper, Cutter, Egbert, Eldridge, Flint, Graham, Healey, Helmer, Herriman, Hubbard, Hunt, Jackson, Johnson of Monroe, Kilgore, Kinney, Lane, Marshall, Mason, Matson, McClure McCormick, Peaslee, Proffitt, Reynolds, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, and Wyman—43.

So said proposed reference, instructions, and pending amendments were laid on the table.

Mr. Pettit proposed the following amendment:

Strike out the 15th section and insert in lieu thereof the following:

That the specific appropriations heretofore made on the various works shall remain, as now, as a pledge for their final construction, and the further sum of one and a half millions of dollars is hereby appropriated for the construction of the works of internal improvement generally, to be applied according to the general provisions of this act; which money shall be procured by loan as heretofore.

On motion of Mr. Bryce,

The House went into committee of the whole on said bill, Mr. Gregory in the chair, and after some time spent therein, the committee arose, reported progress and asked leave to sit again;

In which report the House concurred.

On motion, the House adjourned.

THURSDAY, JANUARY 10, 1839.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from William De Courcey, on the subject of the milk sickness;

Which was read and referred to the select committee on that subject.

Also, the following communication from the Secretary of State:

DEPARTMENT OF STATE,  
Indianapolis, January 10th, 1839.

HON. THOS. J. EVANS,

Speaker of the House of Representatives:

SIR:—In answer to a resolution of the House, adopted on yesterday, asking to be informed whether the Harrison and Indianapolis Turnpike Company has filed in my office, their acceptance of an amendment to their charter, approved February 5th, 1835, I beg leave to state that

no such acceptance, nor any paper relating thereto, has ever been filed in the Secretary's office.

I am very respectfully,

Your obedient servant,

WILLIAM J. BROWN,  
Secretary of State.

Mr. Smydth presented the petition of sundry citizens of Clay and Owen counties, praying for a part of the latter to be attached to the former county;

Which was laid on the table.

Mr. Truelock presented the petition of Levi Hunter and others, praying for a part of Jefferson to be attached to Scott county;

Which was read and referred to a select committee of Messrs. Truelock, Field, Hurst, Bright and Marshall.

Mr. Monroe presented the petition of Isaac Thomas and others, praying for a repeal of part of an act establishing State roads, approved February 1, 1838;

Which was referred to a select committee of Messrs. Monroe, Parker and Baker.

Mr. Hanna presented the petition of Charles Neighbours and others, praying that a bridge may be built across the Central Canal;

Which was referred to the committee on Canals and Internal Improvements.

Mr. Healey presented the petition of Elizabeth Waldron, praying to be divorced from her husband;

Which was referred to a select committee of Messrs. Healey, Cooper and Jackson.

Mr. Kenton presented the petition of Thomas Randle and others, praying for the location of a State road therein named;

Which was referred to the committee on Roads.

Mr. Chapman presented the petition of William Lewis and others, praying for the location of a State road from Blue River to Charlottesville;

Which was read and referred to the committee on Roads.

Mr. Herriman presented five petitions on the subject of a re-location of the Seat of Justice of Lagrange county;

Which were referred to a select committee of Messrs. Herriman, Thompson and Clymer.

Mr. Kinney presented the petition of Levi Westfall and others, praying for an act to be passed to authorize the appointment of gaugers to measure salt brought to the State for sale;

Which was referred to the committee on Ways and Means.

Mr. Peaslee presented the petition of Wesley Ayres and others, on the subject of the Michigan road;

Which was referred to the select committee heretofore appointed on that subject.

Mr. McClure presented the petition of W. C. Hannah and others,

praying for an act, to allow premiums on the manufacture of Salt, Sugar and Silk;

Which was referred to the committee on Agriculture.

Mr. Morgan presented the petition of George Alexander, sen. and others, praying for a turnpike road from Rushville to Indianapolis;

Which was referred to the select committee heretofore appointed on like petitions.

Mr. Field presented a petition from sundry citizens of Jeffersonville, on the subject of a lot in said town, which has escheated to the State;

Which was referred to a select committee of Messrs. Bright, Hurst, and Truelock.

Mr. Powell, from the committee on Roads, made the following report, in which the House concurred:

**MR. SPEAKER—**

The committee on Roads, to whom was referred a resolution to inquire into the propriety of repealing the 9th section of an act relating to public roads, approved February 17th, 1838;

Also, a resolution to inquire into the expediency of changing the time of having work done on the public highways, and requiring individuals to work on the public roads until they are 60 years of age;

Also, the petition of Adam Troutman and others, relating to appropriating a part of the three per cent. fund belonging to Jefferson county, have had the above subjects under consideration, and have directed me to report, that it is inexpedient to legislate on those subjects.

Mr. Arnold, from the same committee made the following report:

**MR. SPEAKER—**

The committee on Roads, to whom was referred a bill locating a State road in the county of Dearborn, have had the same under consideration, and have directed me to report the following bill as a substitute:

No. 173, to locate a State road in Dearborn county;

Which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Chapman, from the same committee made the following report:

**MR. SPEAKER—**

The committee on Roads, to whom was referred a bill to prevent the obstruction and injury of the Cumberland road, have had the same under consideration, and have directed me to report the same back to the House with one amendment:

To strike out the word "ten" in the second section, and insert the word "three" in lieu thereof.

The House concurred in the report of the committee, and said bill

was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Cooper, from the committee on Corporations, made the following report:

**MR. SPEAKER—**

The committee on Corporations, to which was referred a bill of the Senate,

No. 54, to incorporate a Steam Mill Company in the town of Paris, have had the same under consideration, and have directed me to report it back to the House without amendment.

Said bill was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Bright, from the same committee, made the following report:

**MR. SPEAKER—**

The committee on Corporations, to which was referred the petition John Neal, President of the Trustees of the town of Rising Sun, reports the following bill:

No. 174, to extend the Corporate limits of the town of Rising Sun, in Dearborn county.

Which was read and passed to a second reading on to-morrow.

Mr. Judah, from the Judiciary Committee, (leave being granted) made the following report:

**MR. SPEAKER—**

The committee on the Judiciary have had under consideration certain resolutions relative to the practice at law, and have directed me to report bill

No. 175, Relative to the practice at law in the circuit courts,

Which was read, and passed to a second reading on to-morrow.

Mr. Bryce, from the same committee, (leave being granted) made the following report:

**MR. SPEAKER—**

The committee on the Judiciary to which was referred a resolution directing them to inquire into the expediency of amending the 38th section of the act relative to county boundaries, have directed me to report the following bill:

No. 176, To amend an act entitled An act regulating county boundaries,

Which was read and passed to a second reading on to-morrow.

Mr. Gregory, from the committee on Public Buildings, made the following report:

Mr. SPEAKER—

The committee to whom was referred the inquiry touching the propriety of disposing of the Governor's Circle, and of appropriating the proceeds thereof, would most respectfully report, that they have had the same under consideration, and have come to the conclusion, from all the facts in the case, that it is not now necessary to make sale of the Circle to realize a fund to enable the State to purchase a residence for the Governor, which seems to have been the first object which gave rise to the introduction of the resolution under which we are now acting. We find by reference to the Treasurer's report, that there is now on hand upwards of \$5000 of the Indianapolis fund; & that there are a number of lots and blocks of land still unsold, which may with great propriety be disposed of much to the interest of the State, thereby creating a fund in addition to the above sum, which will be amply sufficient for all the purposes contemplated in the above resolution. We would further remark, to carry out the spirit or intent of the resolution we have taken some pains to ascertain what a suitable residence, with all the necessary out fixtures, can be had for. And here let us call your attention to the possession of Dr. Sanders, which, in a high degree, is suitable. The building is large, well finished off, and made of the best materials; and, in point of convenience, we give it as our opinion, it cannot be surpassed. The house is situated in the centre of a block of 200 feet square, embracing three full lots, handsomely set out in shrubbery and fruit trees. We would not only speak of its fitness or adaptation as a residence for the Executive; but likewise say, in our opinion, it will be a profitable investment to the State of Indiana, as the ground is now worth more than half the sum demanded for the entire premises. In addition to the above reasons why we would most earnestly recommend to the State to purchase the above property and in the opinion of your committee, the most important and conclusive is, that the State has no house suitable, nor, indeed, any that can be occupied by the Governor; and besides, we are now paying \$500 per year for house rent, and that he has to be subjected to the inconvenience and mortification of a tenant at will, or of boarding himself and family at a public house. These are facts and considerations which speak loud and challenge or demand at our hands a timely interposition. The above property can be had for \$10,000, half in hand, and the balance in two equal annual instalments. We are gratified in having the concurrent testimony of a number of the members of this House, in bearing evidence as to the cheapness of the property. Now to consummate so desirable an object as the purchase of the same, we beg leave to introduce the following bill :

No. 177, Authorizing the purchase of a suitable residence for the Executive of the State,

Which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Gregory, from a select committee, made the following report:

Mr. SPEAKER—

The select committee to whom was referred the petition of William Harrington and others, praying the legislature to grant to the Williamsport Bridge company the credit of the State, for the loaning on the part of the company, \$50,000 for the purpose of building a bridge across the Wabash river, at the town of Williamsport, in the county of Warren, have had the same under consideration and have directed me to report a bill in accordance with the prayer of the petitioners.

No. 173, Allowing the Williamsport Bridge company, the credit of the State for the loan of \$50,000, to build a bridge across the Wabash river at Williamsport,

Which was read, and passed to a second reading on to-morrow.

Mr. Arnold made the following report:

Mr. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Dearborn county, have requested me to report bill

No. 179, to locate a State road in Dearborn county;

Which was read twice, the rule being suspended, and recommitted to the same select committee.

Mr. Hunt made the following report:

Mr. SPEAKER—

The select committee to whom was referred the petition of Michael Aker and others, praying the incorporation of a company to construct a McAdamized road from Hagarstown to Winchester, and a petition from Roberson McIntire and others, praying the incorporation of a company to construct a McAdamized road from Hagarstown to Mcksville; have, according to order, had the same petitions under consideration and have instructed me to report the following bill, in accordance with the prayer of the said petitioners;

No. 180, to incorporate the Hagarstown and Winchester turnpike company;

Which was read twice, the rule being suspended, and referred to the committee on corporations.

Mr. Cutter offered for adoption, the following:

*Resolved*, That the Board of Internal Improvement be requested to report to this House, the probable loss which the State would sustain upon any one or all of her public works, should the further prosecution of the same be delayed for any number of years, by the delay of timber now prepared for use, the washing away of unfinished dams, the dilapidation of buildings and embankments, the filling up of excavations, &c. and whether much of the work would not be a total loss; and further, whether there have been great inducements held out to poor laborers to immigrate to this State, and guarantees of constant employment; and whether it would not be a breach of good faith

towards them to cease operations on the public works, and thereby deprive them of employment, and throw them without resources upon the community. And that a copy of this resolution be presented to said board and a reply be requested forthwith.

On motion of Mr. Owen, said resolution was amended as follows:

And also, the probable loss by interest on the money expended on portions of works now under contract, but which cannot be used for several years, in case no rescinding or transfer of contracts takes place.

On motion of Mr. Milroy, said resolution was further amended as follows:

And also, what will be the loss to the State if the operations on the public works cease for want of funds to prosecute them.

On motion of Mr. Kilgore, it was further amended as follows:

And also, whether the lock in the dam near Delphi cannot be dispensed with, without injury to the State.

On motion of Mr. Eldridge, further amended as follows:

And also, whether it would not be good policy to stop operations on the northern end of the Central canal.

On motion of Mr. Pettit, further amended as follows:

And also, what amount of loss the State has and will sustain by reason of false estimates and calculations, and the loose course heretofore pursued in the prosecution of the public works.

On motion of Mr. Proffitt, said amendment was amended by adding the words, "specifying what works."

Mr. Proffitt moved to lay said resolution as amended, on the table; the ayes and noes being requested thereon, by Messrs. Herriman and Proffitt,

*Those who voted in the affirmative were*

Messrs. Allison, Baker, Boon, Bowles, Brown, Bryce, Carr of Jackson, Carr of Lawrence, Champer, Chapman, Chiles, Cline, Cogswell, Cooper, Conaway, Cotton of Perry, Cotton of Switzerland, Devin, Dole, Dumont, Eggleston, Eldridge, Field, Flint, Glass, Graham, Gregory, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kilgore, Kinney, Lane, Lewis, Major, Marshall, Mason, Matson, McCarty, McNary, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Parker, Peaslee, Petit, Powell, Proffitt, Puett, Riley, Rose, Rush, Sands, Spann, Stewart, Terrell, Townsend, Truelock, Vance, Willey, Williams, Wilson of Miami, Wines—75.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Brenton, Bryant, Cutter, Egbert, Kenton, McClure, McCormick, Milroy Perine, Reynolds, Smydth, Wilson of Harrison, and Mr. Speaker—17.

So said resolution was laid on the table.

On motion of Mr. Cooper,

*Resolved*, That the committee on roads be instructed to inquire into the expediency of so amending the present road law, as to make it more definite as the number of days that each person shall work on roads and highways in each year, for their personal privileges; with leave to report by bill or otherwise.

On motion of Mr. Morgan,

*Resolved*, That the committee on public buildings be instructed to inquire into the expediency of having the State House and the public property it contains, insured against accidents by fire in some insurance office in this State.

On motion of Mr. Dole,

*Resolved*, That the committee on ways and means, be instructed to inquire into the expediency of establishing by law, the number of pounds of stone coal that shall constitute a bushel, throughout the State; with leave to report by bill or otherwise.

On motion of Mr. Lane,

*Resolved*, That the committee on the judiciary be requested to inquire into the expediency of increasing the pay of Associate Judges to three dollars per day; and report by bill or otherwise.

On motion of Mr. Reynolds,

*Resolved*, That the committee of ways and means, be instructed to inquire into the expediency of so amending the seventh section of an act entitled An act to provide for the distributing of such of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23d, 1836, as to make it the duty of said agent to offer and loan in each township to the citizens thereof, their share of the said surplus revenue in proportion to the number of polls therein, and to none other unless there be a failure on the part of said township to exhaust its share of said money by loan; then it shall be the duty of said agent to loan to the first applicant who will comply with the provisions of the act, to which this is an amendment; to report by bill or otherwise.

On motion of Mr. Wilson of Harrison,

*Resolved*, That the Principal Engineer of the State, and the Acting Commissioner of the Whitewater canal, be requested to report as soon as practicable, the estimated cost of extending said canal from the national road to Hagarstown; also, whether the right of way has been granted to the State from citizens of Wayne county, residents on the canal, through which said canal is located, and whether the commissioner or engineers have not been notified that damages will be claimed; and also, to report whether any water power of said county and the mills situated thereon, will not be destroyed, and what probable amount of damages are likely to be demanded of the State on account of said extension of the canal to Hagarstown.

On motion of Mr. Cline,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending the law relative to the county bounda-

ries, so far as the counties of Porter, Lake and Newton are concerned; and report by bill or otherwise.

Mr. Hanna presented joint resolution

No. 181, relative to the State seal;

Which was read three times, the rule being suspended, and passed.

Mr. Kinney, joint resolution

No. 182, concerning the State prison and the manner in which convicts therein are treated;

Which was read twice, the rule being suspended, and referred to the select committee heretofore appointed on the same subject.

Mr. Vance, joint resolution

No. 183, concerning Blackford's Reports;

Which was read three times, the rule being suspended, and passed.

*Ordered*, That the Senate be informed thereof.

Mr. Kinney, bill

No. 184, to change the time of holding probate court in Vigo county.

Which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Bryce, the House went into committee of the whole, on bill

No. 41 of the Senate, to amend an act entitled An act to provide for the holding of the several circuit courts in this State;

Mr. Mason in the chair,

And after sometime spent therein, the committee, reported progress, in which the House concurred.

On motion, the House adjourned.

*Two o'clock, P. M.*

The House met.

The Speaker laid before the House a communication from the President of the State Education Convention;

Which was read and referred to the committee on education.

The House then went into committee of the whole, on bill

No. 139, to modify the plan of carrying on the public works, so as to secure their ultimate completion, and amendatory to an act entitled An act to provide for a general system of internal improvement, approved 27th February, 1836;

And after some time spent therein, arose, reported progress, and asked leave to sit again, in which the House concurred.

On motion the House adjourned.

FRIDAY, JAN. 11, 1839.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Secretary of State, on the condition of the State Prison;

Which was read, and on motion of Mr. Milroy, referred to the committee on the judiciary, two hundred copies ordered to be printed.

Mr. Kenton presented the petition of John Young and others, praying for the location of a State road therein named;

Which was read, and referred to a select committee of Messrs. Kenton, Milroy and Eldridge.

Mr. Milroy presented the petition of sundry citizens of Carroll county, on the subject of the water power on the Wabash and Erie canal near Delphi.

Which was read and referred to a select committee of Messrs. Milroy, Pettit and Kenton.

Mr. Hubbard from the committee on ways and means, made the following report, in which the House concurred.

MR. SPEAKER—

The committee on ways and means to which was referred a resolution on the subject of providing by law for ascertaining the amount of imports into and exports from, and also the amount of transportation, from place to place within this State, have had the same under consideration, and not having any data from which to ascertain the facts inquired after in the resolution, ask to be discharged from the further consideration of the subject, and ask that said resolution be referred to a select committee.

Messrs. Pettit, Wilson of H., and Field were appointed such committee.

Also, from the same committee.

MR. SPEAKER—

The committee of ways and means to which was referred a resolution on the subject of providing by law for the collection of taxes from individuals who remove from one county to another without making payment to the proper collector;

Also a resolution proposing to amend the revenue law so as to exempt from taxation all improvements on land (except on buildings, over a certain value,) and of providing for an equitable mode of assessing the value of all real estate, taking into consideration the quality of soil, as well as all advantages arising from their convenience to public work, &c., have directed me to report that Legislation is unnecessary on the subjects embraced in said resolutions;

In which the House concurred.

Mr. Pettit, from the committee on the judiciary, made the following report:

MR. SPEAKER—

The judiciary committee, to which was referred the petition of sundry citizens of Wabash county, have had the same under consideration and have directed me to report the accompanying bill.

No. 185, to amend an act entitled An act to provide for a more uniform mode of doing county business;

Which was read and passed to a second reading on to-morrow.

Mr. Thompson from the committee on agriculture reported bill

No. 186, to amend an act entitled An act to encourage agriculture societies;

Which was read and passed to a second reading on to-morrow.

Mr. Hendricks from the committee on corporations, reported bill

No. 109, to incorporate the Dearborn county seminary, with an amendment, in which the House concurred;

Said bill was read a second time, and

*Ordered*, to be engrossed for a third reading on to-morrow.

Mr. Parker, from the committee on corporations, made the following report:

MR. SPEAKER—

The committee on corporations, to which was referred a bill of the House

No. 132, to incorporate the Marion Blues, and for other purposes, have had the same under consideration, and instructed me to report it back with one amendment.

The House concurred in the amendment of the committee,

And said bill was read a second time, and

*Ordered* to be engrossed for a third reading on to-morrow.

Mr. Bright, from the same committee, reported back to the House bill

No. 131, to incorporate the Wilmington and Aurora Insurance company, with an amendment, in which the House concurred;

When said bill was read a second time, and

*Ordered* to be engrossed for a third reading on to-morrow.

Mr. Herriman, from a select committee, made the following report:

MR. SPEAKER—

The select committee to which was referred several petitions on the subject of a relocation of the seat of justice of Lagrange county, have directed me to report bill

No. 187, to re-locate the seat of justice of Lagrange county which was read twice, the rule being suspended, and

*Ordered* to be engrossed for a third reading on to-morrow.  
Mr. Healey, from a like committee, made the following report:

MR. SPEAKER—

The committee to whom was referred the petition of A. B. Poston and others, for the relief of Eliza Waldren, have directed me to report bill

No. 188, for the relief of Eliza Waldren;

Which was read and passed to a second reading on to-morrow.

On motion of Mr. Cutter,

*Resolved*, That the committee on education be instructed to inquire if any money or monies originally appropriated, or intended to be appropriated, to promote the interests of common schools within this State, have been taken and expended in the accomplishment of other objects, and if so, how they shall be recovered and restored to their legitimate and most important purposes, with leave to report by bill or otherwise.

Mr. Cotton of S. offered for adoption the following resolution:

*Resolved*, That the Board of Internal Improvement be instructed to report to this House the amount of money and the length of time it will take to complete that portion of the Central canal that lies between Indianapolis and the Ohio river. And also the amount of money, and the time it will take to complete the Madison and Lafayette railroad. And also, the supposed amount of toll each work will produce the first year after their completion. And also, to report to this House whether or no, in their opinion, it would not subserve the interests of the State to suspend operations on the work that in their opinion will produce the least amount of toll, until the other is finally completed;

Which was not adopted.

On motion of Mr. Thompson,

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of authorizing a survey and estimates of the route of a canal from some point on the Wabash and Erie canal near the mouth of the St. Mary's river, most suitable for the interest of the State, thence run the most practicable route to the State line, in the direction of St. Mary's, Ohio, having in view the object of a canal communication between the Miami canal at or near St. Mary's, Ohio, and the Wabash and Erie canal at or near Fort Wayne: *Provided*, That the legislature of Ohio shall authorize a survey with a view to the same object on the part of Ohio.

On motion of Mr. Kinney,

*Resolved*, That the committee on the judiciary be instructed to report a bill making the practice before justices of the peace uniform throughout the State; also to report a bill making the mode of doing county business and of working on roads and highways uniform throughout the State; and to inquire into the propriety of allowing to justices of the peace the same fees that are allowed to clerks of the circuit court for the same services.

On motion of Mr. Lewis,

*Resolved*, That the Principal Engineer of the State and the Acting Commissioner on the Whitewater canal be requested, when they report on a resolution of this House as to the amount of damages that are likely to be demanded on the Whitewater canal north of the National road, to report further, if information can be had, as to what extent the proprietors of Cambridge city have been concerned in purchasing lands, mills, &c. or shares in the same, for the purpose of holding out and claiming damages to a large amount, in order to deter this legislature from doing justice to, and redeeming the pledged faith of the State to the honest and industrious farmers living north of the National road.

On motion of Mr. Wilson of Harrison,

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of providing for the survey of a McAdamized road from New Albany, to a point on the Wabash river opposite to Mount Carmel, Illinois.

On motion of Mr. Anderson,

*Resolved*, That the committee on education inquire into the expediency of so amending the school law as to make it the duty of the clerk of each school district to return the list of scholars, in their respective districts, to the school commissioner; and further, the propriety of repealing so much of the 14th section of an act, approved Feb. 7, 1835, as makes it the duty of the township treasurer to make return of the list to the commissioner; and to report by bill or otherwise.

On motion of Mr. Baker,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of levying a tax of an amount sufficient to pay all interest accruing on the state bonds for the year 1840; with leave to report by bill or otherwise.

Mr. Smydth offered for adoption the following:

*Resolved*, That the committee on agriculture be instructed to inquire into the expediency of fixing by law the weight per bushel of corn, wheat, oats, and rye; with leave to report by bill or otherwise.

Which resolution was laid on the table.

Mr. Milroy offered for adoption the following resolution:

*Resolved*, That the committee on internal improvement be instructed to inquire into the expediency of memorializing Congress for a grant of land to aid in constructing the Northern canal; and also, whether a large amount of lands now covered by the waters of the Kankakee, may not be made valuable by draining, and if so, to inquire into the expediency of requesting Congress to donate the same to the State of Indiana, to aid in the construction of said canal.

Amended, on motion of Mr. Perine, as follows:

Also to inquire into the expediency of a survey from the summit level in Noble county, on the nearest and most practicable route to the

waters of the Kankakee, with a view of connecting with the Illinois canal near the state line;

Which was adopted.

Mr. Kenton presented bill

No. 193, To alter the boundary line between the counties of Carroll and White;

Which was read twice, the rule being suspended and ordered to be engrossed for a third reading on to-morrow.

Mr. Arnold introduced bill

No. 189, To incorporate the Harrison Insurance company;

Mr. Pettit,

No. 190, To amend an act entitled An act to regulate county boundaries;

Mr. Dumont,

No. 191, To incorporate the town of Aurora;

Mr. Rose,

No. 194, To prevent illegal voting at general and other elections;

Which were each read, and passed to a second reading on to-morrow.

Mr. Matson,

No. 192, To amend an act entitled An act relative to the surplus revenue, &c;

Which was read twice, the rule being suspended, and referred to the committee on education.

The House now went into the orders of the day, and took up bill of the Senate,

No. 41, To amend an act entitled An act dividing the state into judicial circuits, and for fixing the time of holding courts therein, and for other purposes.

Mr. Boon moved to strike out said bill from the enacting clause;

And the ayes and noes being requested thereon by Messrs. Judah and Boon,

*Those who voted in the affirmative were*

Messrs. Alley, Baker, Boon, Bowles, Bright, Brown, Carr of J., Chapman, Chiles, Cotton of P., Cotton of S., Devin, Glass, Graham, Healey, Johnson of Marion, Jones, Judah, Lane, Lee, Major, Mason, Matson, McCarty, McNary, Owen, Parker, Powell, Reynolds, Rose, Rush, Sands, Spann, Stewart, Terrell, Townsend, Truelock, and Wilson of M.—39.

*Those who voted in the negative were*

Messrs. Albertson, Allison, Anderson, Arnold, Brenton, Bryant, Bryce, Carr of L., Champer, Cline, Cogswell, Cooper, Conaway, Cutter, Dole, Dumont, Eggleston, Eldridge, Field, Flint, Hanna, Helmer, Hubbard, Hunt, Jackson, Johnson of Monroe, Kenton, Kil-

gore, Kinney, Lewis, Marshall, McClure, McCormick, Milroy, Morgan, Morrow, Nelson, Noel, Peaslee, Perine, Pettit, Proffitt, Puett, Riley, Smydth, Thompson, Vance, Willey, Williams, Wilson of H., Wines, Wyman, and Mr. Speaker—53.

So said motion did not prevail.

On motion, House adjourned.

*Two o'clock, P. M.*

House met,

And went into committee of the whole on bill

No. 139, to modify the plan of carrying on the public works, so as to secure their ultimate completion, and amendatory to an act entitled An act to provide for a general system of internal improvement, approved 27th Feb., 1836, Mr. Gregory in the chair; and after some time spent thereon, the committee arose, reported progress, and asked leave to sit again;

In which the House concurred.

On motion, the House adjourned.

SATURDAY, JANUARY 12, 1839.

House met pursuant to adjournment.

Mr. Bowles presented the petition of John Pinnick and others, on the subject of a State road therein named;

Which was referred to the committee on roads.

Mr. Cotton of P. presented the petition of Samuel Ewing and others, praying for a State road from Jonathan Ezra's to Levenworth;

Which was referred to a select committee of Messrs. Cotton, Sands and Jones.

Mr. Perine presented the petition of sundry citizens of Kosciusco county, on the subject of a State road therein named;

Which was referred to the committee on roads.

Mr. Reynolds presented the petition of S. B. Noble and others, praying for relief in a certain case therein named;

Which was referred to the committee on canals and internal improvements.

Mr. Johnson of Monroe presented the petition of Jonathan Legg, praying for relief in a certain case therein named;

Which was referred to a select committee of Messrs. Johnson of Monroe, Champer and Allison.

Mr. Field presented the petition of George D. Prentice and two others, praying for relief in a certain case therein named;

Which was referred to a select committee of Messrs. Field, Hurst and Stewart.

Mr. Dole presented the petition of Joshua Skidmore, praying to be divorced from his wife;

Which was read and referred to a select committee of Messrs. Dole Noel and Cutter.

Mr. Champer presented the petition of Wm. D. Failey and others, praying for the incorporation of a company to construct a turnpike road from Spencer via Bolinggreen to Terre Haute.

Which was referred to a select committee of Messrs. Champer, Allison and Smydth.

Mr. Judah, from the committee on the Judiciary, to which was referred bill

No. 52, to amend an act entitled An act to prevent frauds and perjuries, reported the same back to the House with an amendment, in which the House concurred;

And said bill was read a second time and ordered to be engrossed for a third reading on to-morrow.

Also, from the same committee, the following report:

**MR. SPEAKER—**

The committee on the Judiciary have had under consideration the resolution relative to the boundary lines of Porter, Lake, and Newton counties, and directed me to report a bill

No. 195, to amend an act entitled An act to regulate county boundaries;

Which was read and passed to a second reading on to-morrow.

Mr. Lane, from the committee on Military Affairs, made the following report:

**MR. SPEAKER—**

The committee on Military Affairs to whom was referred bill

No. 18, to incorporate the Governor's Guards of Evansville, have directed me to report the same back to the House without amendment;

Said bill was read a second time and ordered to be engrossed for a third reading on to morrow.

Mr. Hanna from the same committee made the following report, in which the House concurred.

**MR. SPEAKER—**

The committee on Military Affairs to whom was referred that part of the Governor's Message which relates to the Pottawatamie Indians, have had that subject under their consideration, and have directed me

to report that no legislative action is necessary on that part of the Governor's Message.

Mr. Willey, from the committee on corporation, to which was referred bill

No. 127, to incorporate certain turnpike companies therein named,

Reported the same back to the House with two amendments, in which the House concurred;

Said bill was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Clymer, from a select committee, reported bill

No. 196, to dissolve the bands of matrimony between James G. Blue and Rebecca Blue;

Which was read and passed to a second reading on to-morrow.

Mr. Hubbard, from a select committee, reported bill

No. 197, to authorize a review of part of the State road from Cambridge city to Fort Wayne;

Which was read and passed to a second reading on to-morrow.

Mr. McClure, from a like committee, reported bill

No. 198, allowing Samuel C. Sample, President Judge of the ninth Judicial Circuit, compensation for holding a special term of the LaPorte Circuit Court;

Which was, on motion of Mr. Hanna, rejected.

Mr. Arnold, from a select committee, reported back to the House bill

No. 179, to locate a State road in Dearborn county;

Which was read a second time, and referred to the committee on roads.

On motion of Mr. Townsend,

Joint resolution,

No. 78, on the subject of the Cumberland road,

Was taken up, read a second time, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Anderson,

*Resolved*, That the Judiciary committee be instructed to report to this House, whether in their opinion, the fee simple of any tract of land is vested in the holder of a land office certificate to the land therein described, the same having been assigned to him *bona fide*; and further, whether, if the fee simple be not so vested, whether it would not be expedient to so amend the law, that the holder of a land office certificate may make legal title for the same; and that they report by bill or otherwise.

On motion of Mr. Pettit,

*Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of allowing to any Branch Bank or any person aggrieved, an appeal to the superior court or to the legislature, from any order or decree of the board of directors of the State Bank, which is contemplated to be made by the 44th section of the charter of said Bank.

Mr. Milroy offered for adoption the following:

*Resolved*, That the Senate concurring, this House will adjourn sine die, on Saturday, the ninth day of February next.

Which was laid on the table.

Mr. Cooper offered for adoption the following:

*Resolved*, That the committee on education be instructed to inquire into the expediency and propriety of providing by law, for the purpose of encouraging county seminaries, so as to authorize the inhabitants of any congressional township, to erect and establish a county seminary or seminaries within such congressional township, and after such seminary or seminaries are completed and returned to the seminary trustees and recorded by said trustees as a county seminary, and a school in operation, the inhabitants of said township shall be authorized to draw on the seminary fund of said county for an equal and proportional part of said fund, with leave to report by bill or otherwise;

Which resolution was not adopted.

On motion of Mr. Boon,

*Resolved*, That the fund commissioners be, and they are hereby requested to communicate to this House the amount of the defalcation of David Burr, a canal commissioner that has been paid by him, and what amount remains unpaid, and if the whole amount of said default has not been by them received from said Burr, to state whether or not any steps have been taken for the recovery thereof, or if there be a balance unpaid to the state, whether or not it is secured by personal obligation or a lien on real estate; if by personal security, who those securities are.

On motion of Mr. Albertson,

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of providing for the survey and location of a McAdamized road from Fredericksburg in Washington county, via Corydon to some suitable point on the Ohio river between the mouth of Knob creek and the mouth of Big Blue river.

Mr. Hurst presented joint resolution,

No. 199, on the subject of a steam boat canal around the falls of the Ohio river;

Which was read three times, the rule being suspended, and passed;

*Ordered*, That the Senate be informed thereof.

Mr. Conaway introduced bill

No. 200, to revive an act concerning the burning of the records of Dearborn county;

Which was read and passed to a second reading on to-morrow.

Mr. Judah introduced bill

No. 201, to increase the stock in the State Bank of Indiana;

Which was read twice, the rule being suspended, and

Laid on the table, and one hundred copies ordered to be printed.

Mr. Morgan introduced bill

No. 202, to incorporate the Rushville Steam Mill Company;

Which was read twice, the rule being suspended and referred to the committee on corporations.

The House now went into the orders of the day, and took up bill of the Senate

No. 41, to amend an act entitled An act dividing the State into Judicial circuits, and fixing the times of holding courts therein.

Mr. Judah moved to amend said bill, by adding Daviess county to the seventh Judicial circuit;

Which did not prevail.

On motion of Mr. Proffit,

Said bill was laid on the table.

On motion of Mr. Marshall bill

No. 65, to provide for the further construction of the Madison and Lafayette railroad;

Was taken up and read a second time.

Mr. Boon moved to strike it out from the enacting clause.

On motion of Mr. Kinney, amended as follows:

"To be expended upon the same principles that other specific appropriations are required by law to be expended."

Mr. Bryce offered the following amendment:

The board may, if they think the public interest will be promoted thereby, apply \$200,000 of the appropriation hereby made to the construction of the McAdam road between Indianapolis and Crawfordsville.

And before any further action thereon the House adjourned.

*Two o'clock, P. M.*

The House met,

And resolved itself into committee of the whole on bill

No. 139, to modify the plan of carrying on the public works so as to secure their ultimate completion, and amendatory to an act entitled An act to provide for a general system of internal improvement, approved February 29, 1836,

Mr. Gregory in the chair,

And after having spent some time therein, arose, reported progress, and asked leave to sit again.

And before any action had thereon,

On motion, the House adjourned until Monday morning, nine o'clock.

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MONDAY, JAN. 14, 1839.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Fund commissioners, to wit:

## OFFICE FUND COMMISSIONERS.

Indianapolis, Jan. 12, 1839.

TO THE HON. HOUSE OF REPRESENTATIVES.

The Board of Fund Commissioners in reply to a resolution of the House of the 9th inst, requesting them to report to the House the true situation of the lots in Brooklyn and New York called Water lots, taken by them in settlement with the Cohens, would inform the House that the property in Brooklyn is situated upon East river opposite New York, and that in New York upon the North river. A part of this property extends into these rivers beyond the line of high water mark. The lots termed Water lots are situated between the line of high water and a line extending into the rivers fixed by law, beyond which improvements are not permitted to be made, and are regarded as valuable on account of the privilege possessed by the owners of erecting upon them wharves, and constructing docks for the various purposes to which they are appropriated in commercial cities. The Board have not the means at this time of stating the number and size of these lots, the plats of the same being deposited at New York.

Respectfully,      CALEB B. SMITH, } *Fund Comrs.*  
                                  JAMES FARRINGTON. }

Mr. Thompson presented the petition of Joseph Ensworth and others, on the subject of a State road therein named;

Which was referred to a select committee of Messrs. Thompson, Wines and Eldridge.

Mr. Eldridge presented the petition of sundry citizens of Cass county, on the subject of the right of trial by jury;

Which was referred to the committee on the judiciary.

Mr. Wines presented the remonstrance of J. Andrews and others, on the subject of a State road therein named;

Which was referred to the committee on roads.

Mr. Hurst presented the petition of sundry citizens of Clark county, on the subject of a re-location of the seat of justice of said county;

Which was read and referred to a select committee of Messrs. Hurst, Field and Stewart.

Mr. Parker presented a remonstrance from sundry citizens of Washington county, on the subject of attaching part of Washington to Scott county;

Which was referred to the same select committee to which a petition on the same subject was referred.

Mr. Albertson presented the petition of John Pitman and others on the subject of a State road from Princeton, via Fredonia, Levenworth, to Corydon;

Which was referred to a select committee of Messrs. Albertson, Cotton of P., Sands and Wilson of H.

Mr. Hanna presented the petition of S. Merrill and others, praying for the sale of a certain lot in the town of Indianapolis;

Which was read and referred to the committee on the affairs of the Town of Indianapolis.

Mr. Sands presented the petition of Curtis Smith and others, on the subject of a State road therein named;

Which was referred to the same select committee to which a like petition was referred.

Mr. Eldridge presented the petition of sundry citizens of Cass county, praying for the passage of a law to make counties liable for property destroyed by mobs;

Which was referred to the committee on the judiciary.

Mr. Hubbard presented the petition of Lucy Hudson praying to be divorced from her Husband, Daniel Hudson;

Which was referred to a select committee of Messrs. Hubbard, Lewis and Jackson.

Mr. Arnold presented the petition of sundry citizens of Dearborn and Decatur counties praying an act to be passed to incorporate a company to construct a McAdam or Turnpike road therein named;

Which was referred to a select committee of Messrs. Arnold, Conway, Dumont, Eggleston and Hendricks.

Mr. Stewart, from the committee on ways and means, made the following report:

**MR. SPEAKER—**

The committee on ways and means to whom was referred a resolution of this House inquiring whether the laws now in force compel merchants to take out license to vend foreign merchandise, and if so to inquire into the expediency of repealing the same, have had the same under consideration and instructed me to submit the following report:

That your committee have examined the law on that subject, and believe that the law now in force does compel them to take out a licence; but are of opinion that said law ought to be repealed, for the following reasons: That merchants now pay an ad valorem tax on the whole amount of their stock on hand, a large portion of which is generally bought on credit, and are assessed in the spring of the year when their stock of goods is larger than at any other time. Believing therefore, that that class of the community are already heavier taxed than the great portion of the people, they therefore recommended the passage of the following bill

No. 203, concerning license on foreign merchandise;

Which was read and passed to a second reading on to-morrow.

Mr. Brenton made the following report:

**MR. SPEAKER—**

The judiciary committee to which was referred a resolution of this House, instructing them to inquire into the expediency and necessity of so amending the Probate law as to allow the Probate Courts to sit two weeks at their May and November terms, and also a resolution instructing them to inquire into the expediency of so amending the Pro-

bate law so as to make it the duty of the Circuit Judges to form and constitute the Probate courts in their several circuits, report that legislation on the subjects embraced in said resolutions is inexpedient.

In which the House concurred.

Mr. Kinney made the following report:

MR. SPEAKER—

The committee on Education, to whom was referred a resolution instructing them to inquire into the expediency of providing by law for the purchase of a fire engine, for preserving the College buildings belonging to the State at Bloomington, have had the same under consideration, and have instructed me to report the following bill:

No. 201, concerning a fire engine for the Bloomington College;

Which was read twice, the rule being suspended, when

Mr. Johnson of Monroe, moved to strike it out from the enacting clause, and insert a substitute;

Which did not prevail.

On further motion of Mr. Johnson, said bill was indefinitely postponed.

Mr. Thompson, from a select committee, reported bill:

No. 205, to locate a State road in Allen county;

Which was read twice, the rule being suspended, and referred to the committee on Roads.

Mr. Field made the following

## REPORT:

The select committee to whom was referred a resolution of the House, instructing them to inquire into the causes of the diminution of the revenue in several counties of the State, and also to suggest a remedy for the evil, have had the same under consideration, and would respectfully submit the following report:

That a great inequality does exist in the assessment value of land in the State, there can be no doubt. A glance at the Auditor's report will satisfy the most incredulous on this subject. In many counties in the State land has depreciated in value beyond any former example, or else the assessors, have not done their duty; and when it is known that those counties in which the greatest depression in the price of land has occurred are internal improvement counties, and have had millions expended within their limits, and blessed with the richest soil in the State, your committee cannot avoid expressing their fears that there has been a wanton direlection of duty on the part of the officer charged with the assessment. In 1836, the internal improvement law was passed; it was argued by the friends of the system, that in consequence of the location of the public works, lands in their vicinity would be greatly enhanced in value. The proximity of land to a rail

road or a canal, would be the criterion of its value. It was maintained that the counties most benefited by the system of internal improvement would pay the most revenue into the treasury, and the counties not benefited would pay the customary tax. Consequently no injustice on the score of taxation would be done to any portion of the State. This rational inference, drawn from the reasoning of the friends of the system, had the effect to reconcile to some extent the dissatisfied counties in the State to the policy. The argument however has proved to be fallacious, and the hope based upon it a delusion. In many counties where a great increase of revenue was anticipated, there has been an annual falling off since the year '36. In many of the accommodated counties there have been vast accessions to the taxable lists, notwithstanding, the revenue continues to diminish.— By reference to the report of the Auditor of State, it will be seen that in 1837, the aggregate amount of land in the state, subject to taxation for that year, was a fraction over 6,000,000 of acres, the value of which was estimated at \$61,000,000. In 1838, 1,000,000 of acres was added to the tax list of taxable lands throughout the state, nevertheless, the aggregate value of the whole was estimated at \$60,000,000. An increase of taxable lands to the amount of a million of acres, and yet a decline in the value of the whole of *one million of dollars!!!* It does seem to your committee, that in the counties in which millions of dollars have been expended, and where every article of produce has commanded a high price, and where the soil is equal in fertility to any in the world, land should have maintained its value. The expenditure of money within their limits and the great demand for the products of the farm created by the importation of swarms of laborers, should, it would seem to your committee, have operated favorably upon the price of land for the time being; but your committee regret to say, that instead of these salutary results from the system of improvement upon the value of land in the vicinity of the works, the reverse has happened. Land has depreciated in many counties of the State in spite of the location of public works therein, and the vast outlay of money in their construction. In proof of this assertion the following facts are submitted.

In the county of Floyd, which has the largest commercial town in the state, distinguished for its enterprise, and active capital, the terminus of two important public works, where thousands of dollars have been scattered among the community, and where there has been an increase in the quantum of taxable lands, *there has been a falling off in the revenue of \$267 00!* Notwithstanding the expenditure in Jefferson of near a million of dollars, that county has increased in revenue only \$42, while the county of Scott, not touched by an improvement, has increased \$14. The county of Tippecanoe with an addition to her list of taxable lands of forty thousand acres, has *decreased* in revenue \$300, while Jackson, a county as remote from the public works as any in the state, has *increased* \$445. The county of Fayette, an internal improvement county, has *decreased* \$719, while Clark has *increased* \$640. The county of Dearborn has *decreased* \$767, while Swit-

zerland has increased \$215. Vanderburgh county, in which the Central canal terminates, has decreased \$250, while Perry, with a poor soil and wholly neglected, has increased \$107. The county of Carroll, through which the Wabash and Erie canal passes, with an accession of 226,000 acres of land to her tax list, has returned to the treasury only \$147 more this year than last!

Your committee might go on multiplying examples of this kind, all tending to prove the inequality complained of, but further facts are deemed useless. That there is something wrong in the mode of assessing or in the practical operation of the internal improvement system, there cannot be a doubt. So great a transition in so short a time, may well give rise to dissatisfaction. Your committee will not indulge in the expression of their feelings and opinions in reference to a supposed cause for the delinquency. They regret that there should be the slightest cause for suspicion of injustice or collusion in assessing the revenue in any county of the state, but a sense of duty compels them to say, that the impression *that the prominent* friends of the present system of internal improvement, have exercised an influence in some counties of the state so as to prevent a fair and just assessment of lands with a view to guard against oppressive taxation, and thereby keep the people of those counties reconciled to the system, is not without grounds to support it.

In conclusion, your committee would recommend the adoption of the following resolution:

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of organizing by law a state board of assessors, or district boards, with such authority and powers as will enable said board to equalize taxation in the several counties in this state, according to the true intent and meaning of the ad valorem system of taxation; with leave to report by bill or otherwise.

Mr. Smydth moved to lay said report on the table, which did not prevail.

Mr. Matson moved to concur in said report, except that part which refers to improper influences and conduct on the part of individuals and assessors.

Mr. Milroy moved to amend the motion by excepting as to Carroll county, when,

On motion of Mr. Hanna,

Said report was committed to the committee of Ways and Means.

On motion of Mr. Judah,

Bill No. 121, Relating to private banking, was taken up, and,

On motion of Mr. Owen,

Referred to the committee of the whole House, and made the order of the day for to-morrow.

Also, No. 137, Relative to the receipts and disbursements of the State funds, and for other purposes.

Also, No. 202, To provide for an increase of the stock of the State Bank,

Both of which were referred to the committee of the whole House, and made the order of the day for to-morrow.

On motion of Mr. Kinney,  
 Bill No. 184, Changing the time of holding probate courts in Vigo county,

Was taken up, read a third time, and passed. Ordered that the Senate be informed thereof.

On motion of Mr. Townsend, joint resolution  
 No. 78, On the subject of the Cumberland road,

Was taken up, read a third time, and passed.  
 Ordered that the Senate be informed thereof.

On motion of Mr. Lane,

*Resolved*, That the Board of Internal Improvement be respectfully requested to transmit to this House any communication (or copies thereof) they have received from Washington city relative to the claim of this State to an additional quantity of land upon the Wabash and Erie canal.

On motion of Mr. Milroy,

*Resolved*, That Jesse L. Williams, State Engineer, be requested to communicate to this House with as little delay as possible, his opinion of the best method of prosecuting the public works, so as to secure their ultimate completion, without endangering the credit of the State, or compelled to resort to excessive taxation.

On motion of Mr. Arnold,

*Resolved*, That the Judiciary committee be requested to examine into the errors and misprints in the revised laws of last session, and to report by bill or otherwise.

Mr. Noel introduced joint resolution

No. 206, Prescribing the mode of prosecuting the Wabash and Erie, and Cross cut canals;

Mr. Bowles, bill

No. 207, To amend an act entitled An act incorporating the town of Paoli, in Orange county;

Mr. Hurst,

No. 208, Establishing the county line between the counties of Clark and Jefferson;

Mr. Dole,

No. 209, To connect the public works of Illinois with those of Indiana;

Mr. Truelock,

No. 211, To authorise the board of Justices of Scott county to sell a part of the Public Square in the town of Lexington;

Mr. Cotton, of S.,

No. 212, Relative to the improvement of a State road in the counties of Switzerland and Ripley;

Were each read, and passed to a second reading on to-morrow.

Mr. Kenton,

No. 209, To locate a State road from Monticello to Lockport,  
 Which was read twice, the rule being suspended, and referred to the committee on Roads.

On motion of Mr. Cutter,

Bill No. 141, To abolish imprisonment for debt,

Was taken from the committee of the whole, and placed in the orders of the day.

The House then proceeded to the orders of the day and took up bills

No. 165, To provide for the further construction of the Madison and Lafayette railroad,

Which was, on motion of Mr. Kilgore, laid on the table;

No. 146, To change the time of the meeting of the legislature:

Mr. Mason moved to strike out said bill from the enacting clause, and insert a substitute providing for the meeting of the legislature on the first Monday in January.

Mr. Arnold moved to amend the amendment by inserting the first Monday of November, which did not prevail, when

Mr. Bryce moved to amend by inserting the first Monday of December, which prevailed.

On motion of Mr. Brown,

Said bill and pending amendments were laid on the table.

No. 147, To legalize the sale of a certain school section in Scott county,

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 148, To amend an act entitled An act to provide for a general system of internal improvements,

Was read a second time, when,

Mr. Bryce moved to indefinitely postpone it,

And, before any action had thereon,

The House adjourned.

*Two o'clock, P. M.*

House met.

Mr. Brown, on leave being granted, introduced bill

No. 213, To authorize the survey of a canal from Terre Haute to a point on the Wabash, near the Grand rapids,

Which was read and passed to a second reading on to-morrow.

The Speaker laid before the House a communication from Jesse L. Williams, Chief Engineer of the State, in answer to a resolution of the House,

Which was read, and laid on the table.

Also, a communication from the Board of Internal Improvement, in relation to the claim of the State for lands under an act of Congress to aid in the construction of the Wabash and Erie canal from the mouth of the Tippecanoe river to Terre Haute, together with accompanying documents, which were,

On motion of Mr. Hanna,

Laid on the table.

The House now resolved itself into committee of the whole, Mr. Hanna in the chair, on bill

No. 139, To modify the plan of carrying on the public works so as to secure their ultimate completion, and amendatory to an act entitled An act to provide for a general system of internal improvements, approved February 21, 1836, and, after some time spent therein,

The committee arose, reported progress, and asked leave to sit again, when,

On motion, the House adjourned:

## TUESDAY, JANUARY 15, 1839.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Board of Internal Improvement and Jesse L. Williams, Chief Engineer of the State;

Which was read, when

Mr. Perine moved to refer the same to the committee on ways and means, and to print 500 copies;

Which did not prevail.

On motion of Mr. Proffitt,

Said communication was laid on the table, and 3000 copies ordered to be printed.

Mr. Terrell presented the petition of Thomas Jones, praying for the passage of a law to authorize him to convey certain real estate therein named;

Which was referred to a select committee of Messrs. Terrell, Lee, and Spann.

Mr. Owen presented a petition from sundry citizens of Posey county, praying for the repeal of an act regulating the jurisdiction of justices of the peace in said county;

Which was referred to the select committee on the same subject.

Mr. Healey presented the petition of sundry citizens of Henry county, on the subject of a connection between the Central and Whitewater canals;

Which was read and referred to the same select committee to which like petitions have been referred.

Mr. Milroy presented a petition praying for relief for George Holman of Wayne county;

Also (on leave granted), introduced bill

No. 214, For the relief of George Holman of Wayne county;

Which was read three times and passed, the rule being suspended.

*Ordered*, That the Senate be informed thereof.

Mr. Cotton of S. presented the petition of sundry citizens of Switzerland county, praying for an act to authorize the associate judges for said county to transact probate business;

Which was referred to a select committee of Messrs. Cotton of S., Matson, and Bright.

Mr. Matson presented the petition of Richard Chambers and others, praying for the incorporation of a company to manufacture silk;

Which was referred to a select committee of Messrs. Matson, McCarty, and Conaway.

Mr. Field presented two petitions from sundry citizens of Clark county, praying for an act to be passed repealing the present law granting license to grocery keepers;

Which were referred to the committee on the judiciary.

Mr. Hubbard moved that said committee be instructed to bring in a bill in accordance with the prayer of the petitioners;

And the ayes and noes being requested thereon by Messrs. Champer and Proffitt.

*Those who voted in the affirmative were*

Messrs. Allison, Anderson, Arnold, Cogswell, Egbert, Hubbard, Jackson, Judah, Kilgore, Kinney, Lewis, Marshall, Mason, Matson, McClure, Morgan, Morrow, Peaslee, Powel, Riley, Rose, Terrell, Thompson, Willey, Williams, Wilson of M., Wines, and Wyman—28.

*And those who voted in the negative were*

Messrs. Albertson, Alley, Baker, Boon, Bowles, Brenton, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Champer, Chapman, Cline, Clymer, Cooper, Conaway, Cotton of S., Cutter, Devin, Dole, Earl, Eggleston, Eldridge, Field, Flint, Glass, Graham, Hanna, Healey, Helmer, Hendricks, Hunt, Hurst, Johnson of Marion, Kenton, Lane, Lee, Major, McCormick, McNary, Milroy, Nelson, Owen, Parker, Perine, Pettit, Proffitt, Puett, Rush, Sands, Smydth, Spann, Stewart, Townsend, Truelock, Vance, Wilson of H., and Mr. Speaker—60.

So said instruction was not given.

Mr. Hubbard presented the petition of sundry citizens of Wayne county, on the subject of the connection between the Whitewater and Central canals;

Which was referred to the same select committee appointed on like petitions.

Mr. Kilgore moved that Messrs. Willey, Morrow, and Hunt be added to said committee;

Which did not prevail.

Mr. Hubbard moved that Messrs. Morrow and Lewis be added to said committee;

Which was negatived.

Mr. Cotton of S. presented the petition of Joseph C. Eggleston and others, praying for the incorporation of a steam mill company in the town of Vevay;

Which was referred to the committee on corporations.

Mr. Eggleston presented the petition of sundry citizens of Dearborn county, on the subject of a review of a State road therein named;

Which was referred to a select committee of Messrs. Eggleston, Arnold, Conaway, and Dumont.

Mr. Bright presented the memorial of E. R. Ames, praying for relief in a certain case therein named;

Which was referred to the same select committee to which a like petition has been referred.

Mr. Smydth presented a communication from W. C. Foster, preferring charges against Dr. Wiley, President of the Bloomington University;

Which was referred to a select committee of Messrs. Field, Smydth, Owen, Johnson of Monroe, Matson, and Proffitt, with power to send for persons and papers.

On motion of Mr. Kinney,

It was ordered that Dr. Wiley be furnished with a copy of the charges against him.

On motion of Mr. Proffitt,

Said committee were instructed to inquire into the expediency of removing said University from Bloomington.

On motion, House adjourned.

*Two o'clock, P. M.*

House met.

The Speaker laid before the House the following communication:

OFFICE FUND COMMISSIONERS,

*Indianapolis, Jan. 15, 1839.*

*House of Representatives:*

The Board of Fund Commissioners, in reply to a resolution of the House of Representatives of the 12th inst., requesting them to communicate "the amount of the defalcation of David Burr that has been paid by him, and what amount remains unpaid, and whether any steps have been taken for the recovery thereof, and whether the balance due the state from him is secured by personal obligation or a lien on real estate, and if by personal security, who are the securities," beg

leave to state, that the amount due the state from Mr. Burr at the time of his resignation was	-	-	-	-	\$21,380 18
Of which he has paid—					
December 8, 1837,	-	-	-	-	\$4,000
January 2, 1838,	-	-	-	-	461
January 5, 1838,	-	-	-	-	5,000
December 18, 1838,	-	-	-	-	400
December 22, 1838,	-	-	-	-	200
January 2, 1839,	-	-	-	-	2,010
					<hr/>
Amounting to the sum of					\$13,071
					<hr/>
					\$13,071 00

And there remains unpaid (besides interest) the sum of \$8,309 18

There is no other security for the payment of the amount due than Mr. Burr's official bond, which is on file in the office of the Secretary of State. No steps have been taken by the Board for the recovery of the amount, as they have not been required or authorized by law to institute any proceedings for that purpose. The Board would however, inform the House that they have assurances that the balance due will shortly be paid. The securities upon Mr. Burr's official bond are Jesse Vermilya, Samuel Moore, J. S. Kelley, and Austin W. Morris, whose responsibility is amply sufficient to indemnify the state against any loss.

CALEB B. SMITH,  
JAMES FARRINGTON,  
*Fund Commr's.*

On motion of Mr. Cline, bill of the Senate,

No. 110, To repeal an act specifically appropriating a certain amount of the 3 per cent. fund now due, or hereafter first to become due and payable to the county of Porter,

Was taken up, read three times and passed, the rule being suspended.

Mr. Field, from a select committee, reported bill

No. 214, For the relief of George D. Prentice, George W. Weisinger, and J. B. Moulton;

Which was read twice, the rule being suspended, and,

On motion of Mr. Hanna,

Re-committed to the same select committee, with instructions to report a bill making provision for all cases of like nature.

Mr. Earl presented bill

No. 215, To legalize the acts of James Hollaway, late collector of Tippecanoe county, and for other purposes;

Which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

The House now took up bill

No. 139, To modify the plan of carrying on the public works, so as to secure their ultimate completion, and amendatory to an act entitled An act to provide for a general system of internal improvements, approved Feb. 29, 1836;

The question recurred on the amendment made by the committee of the whole to the third section;

Which was to strike out the word "three" and insert "five;"

And the ayes and noes being requested thereon by Messrs. Boon and Brown,

*Those who voted in the affirmative were*

Messrs. Allison, Brenton, Bright, Bryant, Bryce, Champer. Chiles, Cline, Clymer, Cogswell, Cooper, Cutter, Egbert, Flint, Graham, Healey, Helmer, Hubbard, Hunt, Jackson, Johnson of Monroe, Kilgore, Kinney, Lane, Lee, Marshall, Mason, McClure, McCormick, Parker, Peaslee, Powell, Proffitt, Puett, Riley, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, Wyman and Mr. Speaker—47.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brown, Carr of J., Carr of L., Chapman, Conaway, Cotton of P., Cotton of S., Devin Dole, Earl, Eggleston, Eldridge, Field, Glass, Gregory, Hanna, Hendricks, Hurst, Johnson of Marion, Jones, Judah, Kenton, Lewis, Major, Matson, McNary, Milroy, Morgan, Nelson, Noel, Owen, Perine, Pettit, Rose, Rush, Sands, Townsend, Truelock, and Wilson of H.—46.

So the House concurred in the amendment made by the committee.

Mr. Chiles moved to amend said section by inserting that one member should be elected from the south, one from the north, one from the east, one from the west, and one in the centre of the State;

And the ayes and noes being requested thereon by Messrs. Boon and Cutter,

*Those who voted in the affirmative were*

Messrs. Allison, Bright, Bryant, Carr of L., Chapman, Chiles, Cline, Cogswell, Cutter, Egbert, Flint, Graham, Healey, Helmer, Hubbard, Jackson, Johnson of Monroe, Kilgore, Kinney, Lane, Lee, Marshall, Mason, Matson, McCormick, Nelson, Parker, Proffitt, Riley, Smydth, Spann, Stewart, Thompson, Townsend, Vance, Willey, Williams, Wyman, and Mr. Speaker—39.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Brown, Bryce, Carr of J., Champer, Clymer, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Dole, Earl, Eggleston, Field, Eldridge, Glass, Gregory, Hanna, Hendricks, Hunt, Hurst, Johnson of Marion, Jones, Judah, Kenton, Lewis, Major, McClure, McNary, Milroy, Morgan, Noel, Owen, Peaslee, Perine, Pettit, Powell, Puett, Rose, Rush, Sands, Terrell, Truelock, Wilson of H., Wilson of M., and Wines—54.

So said amendment was not adopted.

Mr. Pettit offered for adoption the following amendment to the third section of said bill:

And that said commissioners shall be elected from a county or counties through which no work of internal improvement passes;

And the ayes and noes being requested thereon by Messrs. Pettit and Proffitt.

*Those who voted in the affirmative were*

Messrs. Alley, Arnold, Baker, Boon, Bowles, Brown, Bryce, Chapman, Conaway, Cotton of P., Cotton of S., Earl, Eggleston, Field, Glass, Gregory, Hubbard, Hurst, Hunt, Jackson, Jones, Judah, Kenton, Lewis, Major, Milroy, Nelson, Noel, Perine, Pettit, Rose, Rush, Sands and Vance—35.

*Those who voted in the negative were*

Messrs. Albertson, Allison, Anderson, Brenton, Bright, Bryant, Carr of J., Carr of L., Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Cutter, Devin, Dole, Egbert, Flint, Graham, Hanna, Helmer, Healey, Hendricks, Johnson of Marion, Johnson of Monroe, Kilgore, Kinney, Lane, Lee, Marshall, Mason, Matson, McClure, McCormick, McNary, Morgan, Owen, Parker, Peaslee, Powell, Proffitt, Puett, Riley, Smydth, Spann, Stewart, Terrell, Thompson, Townsend, Truelock, Willey, Williams, Wilson of H., Wilson of M., Wines, Wyman, and Mr. Speaker—58.

So said amendment was not adopted.

Mr. Boon moved to amend said bill by striking out the first section; Which did not prevail.

Mr. Owen moved to amend the third section by striking it out, and inserting in lieu thereof, the following:

SEC. 3. That from and after the first Monday of March next, the State Board of Internal Improvement shall consist of five members, to be selected without reference to location, for one year; but after the expiration of that year, to-wit, from and after the first Monday of March, eighteen hundred and forty, the said Board of Internal Improvement shall consist of three members only;

And the ayes and noes being requested thereon by Messrs. Owen and Brown,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Bright, Brown, Carr of J., Carr of L., Champer, Chapman, Chiles, Conaway, Cotton of P., Cotton of S., Devin, Earl, Eggleston, Eldridge, Field, Glass, Gregory, Hanna, Hendricks, Hubbard, Hurst, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kenton, Lewis, Major, McNary, Milroy, Morgan, Nelson, Noel, Owen, Peaslee, Perine, Pettit, Powell, Puett, Rose, Rush, Sands, Spann, Townsend, Truelock, and Wilson of H.—53.

*Those who voted in the negative were*

Messrs. Allison, Brenton, Bryant, Bryce, Cline, Clymer, Cogswell, Cooper, Cutter, Dole, Egbert, Flint, Graham, Healey, Helmer, Hunt, Jackson, Kilgore, Kinney, Lane, Lee, Marshall, Mason, Matson, McClure, McCormick, Parker, Proffitt, Riley, Smydth, Stewart, Terrell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—40.

So said third section was so amended.

On motion of Mr. Owen,

The fifth section of said bill was amended as follows:

Strike out the word "the" in the second line and insert "one;" the words "having the highest number of votes," the word "the" and insert the word "one" in the third line; also strike out the words "having the second highest number of votes" in the third and fourth lines; also strike out the word "the" and "having the highest number of votes" from the fourth line, and insert the word "three" in place of the word "the;" also strike from the eighth line the words "if any two or more members elected receive the same number of votes, their precedence," and insert in lieu thereof "their respective terms of service."

Mr. Wilson of H. offered the following amendment:

Strike out of section 6, all to the word "State" inclusive in the second line, and insert, "that there shall be a Chief Engineer of the State elected in the same manner as is provided for the election of the State Board of Internal Improvement, who shall hold his office for three years."

Mr. Stewart moved to amend the amendment by striking out the word "three" and inserting in lieu thereof the word "two;"

Which did not prevail.

The question then recurred on the amendment;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brown, Carr of J., Carr of L., Chiles, Conaway, Cotton of P., Cotton of S., Devin, Dole, Earl, Eggleston, Eldridge, Field, Glass, Gregory, Helmer, Hendricks, Hurst, Johnson of Marion, Johnson of Monroe, Judah, Kenton, Lewis, Major, McNary, Milroy, Nelson, Parker, Peaslee, Perine, Proffitt, Puett, Rose, Rush, Spann, Smydth, Stewart, Sands, Townsend, Truelock, and Wilson of H.—48.

*Those who voted in the negative were*

Messrs. Allison, Brenton, Bright, Bryant, Bryce, Champer, Chapman, Cline, Clymer, Cogswell, Cooper, Cutter, Egbert, Flint, Graham, Hanna, Healey, Hubbard, Hunt, Jackson, Jones, Kilgore, Kinney, Lane, Lee, Marshall, Mason, Matson, McClure, McCormick, Morgan, Noel, Owen, Pettit, Powell, Riley, Terrell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—45.

So said amendment was adopted.

Mr. Kinney moved to strike out the sixth section, and insert the following:

That there shall be a Chief Engineer elected by the Board, who shall hold his office until removed by the Board or upon joint resolution of the General Assembly; whose duty it shall be to nominate all Resident Engineers for the approval of the Board;

And before any action had thereon;

On motion, House adjourned.

WEDNESDAY, JANUARY 16, 1839.

House met pursuant to adjournment.

Mr. Sands presented the petition of Joel Ray and others, praying for a change in the road law as to Crawford county;

Which was referred to a select committee of Messrs. Sands, Bowles, and Cotton of P.

Mr. Wilson of H. presented the petition of Uriah Thompson and others, on the subject of a certain State road;

Which was referred to a select committee of Messrs. Wilson of H., Albertson, and Parker.

Mr. Kilgore presented the petition of Isaac Martin and others, praying for a certain county road to be declared a State road;

Which was referred to a select committee of Messrs. Kilgore, Hunt, and Wyman.

Mr. Wilson of H. presented the petition of C. D. Key and others, praying the passage of a law authorizing the board doing county business to sell and transfer property belonging to their respective counties for asylums;

Which was referred to the committee on the judiciary, with instructions to report a general law on that subject.

Mr. Hubbard, from the committee on ways and means, made the following report; in which the House concurred:

MR. SPEAKER—

The committee of ways and means, to which was referred a resolution which proposed to make it the duty of the agent appointed in each county to loan the surplus revenue, to loan the same in each township according to the number of polls therein, and to none other, except there be a failure on the part of said township to exhaust its share of said money by loan: Also a communication from Dr. Isaac Coe, one of the Fund Commissioners, on the subject of becoming a partner of the State in the candle factory, taken in part payment for the debt due the state from the Cohens and Josephs: Also a petition of the citizens of Carroll county, on the subject of taxing the canal lands in said county for school purposes, for the benefit of said county, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on the subjects, and ask to be discharged from the further consideration thereof.

Mr. Hubbard from the same committee, reported bill

No. 217, For the appointment of agents of the surplus revenue in the several counties in this State;

Which was read twice, the rule being suspended. and referred to the committee of the whole House, and made the order of the day for to-morrow.

Mr. Hubbard, from the same committee, made the following report:

MR. SPEAKER—

The committee of ways and means, to which was referred a resolution inquiring into the expediency of applying the interest on that part of the surplus revenue which is now applied to the support of common schools, and applying the same to the payment of interest on the State bonds, have had the same under consideration, and have directed me to report the following bill:

No. 218, applying that portion of the interest on the surplus revenue which is funded in the several counties, to the payment of interest on state bonds.

Mr. Albertson moved to reject said bill;

And the ayes and noes being requested thereon by Messrs. Rose and Field.

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brown, Bryant, Bryce, Carr of J., Carr of L., Champer Chapman, Cline, Clymer, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Cutter, Devin Dole, Earl, Egbert, Eggleston, Eldridge, Field, Flint, Glass, Gregory, Hanna, Healey, Helmer, Hendricks, Hunt, Hurst, Jackson, Johnson of Marion, Jones, Keaton Kinney, Lane, Lewis, Major, Matson, McCarty, McClure, McCormick, McNary, Milroy, Morgan, Morrow, Nelson, Noel, Owen, Parker, Peaslee, Perrine, Pettit, Powell, Puett, Reynolds, Rose, Rush, Sands, Spann, Townsend, Truett, Vance, Willey, Williams, Wilson of H., Wines, Wyman, and Mr. Speaker—77.

*Those who voted in the negative were*

Messrs. Allison, Brenton, Bright, Chiles, Graham, Hubbard, Johnson of Monroe, Judah, Kilgore, Lee, Marshall, Mason, Proffitt, Riley, Smydth, Stewart, Terrell, Thompson, and Wilson of M.—19.

So said bill was rejected.

Mr. Hubbard from the same committee, made the following report:

**MR. SPEAKER—**

The committee of ways and means, to which was referred a resolution inquiring into the expediency of abolishing the present Board of Fund Commissioners, and appointing an agent, whose duty it shall be to repair to Europe, for the purpose of selling the State bonds for bank and internal improvement purposes, have had that subject under consideration, and have directed me to report the following bill:

No. 219, to reduce the Board of Fund Commissioners;

Which was read and passed to a second reading on to-morrow.

Mr. Sands laid before the House a communication from the President of the Leavenworth Savings Institution;

Which was referred to the committee on corporations.

Mr. Brenton, from the judiciary committee, made the following report; in which the House concurred.

**MR. SPEAKER—**

The judiciary committee, to which was referred a resolution of this House instructing them to inquire into the expediency of adopting the probate circuit system; and also a resolution instructing them to inquire into the expediency of authorizing executors and administrators to take affidavits on claims presented against estates for which they are authorized to act as such executors or administrators, report that legislation on the subjects embraced in said resolutions is inexpedient at this time.

Mr. Marshall, from the judiciary committee, reported bill No. 220, For the relief of Joseph Hendricks;

Which was read twice. the rule being suspended; when,

Mr. Proffitt moved to refer it to a select committee, with the following instructions: To examine the case as presented in said bill, to have power to send for persons and papers, and to provide a general bill to obviate difficulties of a similar character;

The ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Alley, Anderson, Arnold, Baker, Champer, Clymer, Cogswell, Cooper, Cutter, Devin, Field, Glass, Helmer, Hunt, Jackson, Johnson of Monroe, Matson, McClure, McCormick, Noel, Owen, Proffitt, Puett, Rush, Smydth, Spann, Stewart, Townsend, Willey, Wines, and Mr. Speaker—32.

*Those who voted in the negative were*

Messrs. Albertson, Boon, Bowles, Brenton, Bright, Brown, Bryce, Carr of J., Carr of L., Chapman, Cline, Conaway, Cotton of S., Dole, Earl, Egbert, Eggleston, Eldridge, Flint, Graham, Gregory, Hanna, Healey, Hendricks, Hubbard, Hurst, Johnson of Marion, Jones, Judah, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Marshall, Mason, McCarty, Milroy, Morgan, Morrow, Nelson, Peaslee, Perine, Pettit, Powell, Reynolds, Riley, Rose, Sands, Terrell, Thompson, Truelock, Vance, Williams, Wilson of M., and Wyman—57.

So said bill was not so referred.

The question then recurred on the passage of the bill;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Boon, Bowles, Brenton, Bright, Brown, Bryce, Carr of J., Carr of L., Cline, Conaway, Cotton of S., Dole, Earl, Egbert, Eggleston, Eldridge, Gregory, Hanna, Hendricks, Hubbard, Hurst, Johnson of Marion, Judah, Kilgore, Kinney, Lee, Lewis, Major, Marshall, Mason, McCarty, Milroy, Morgan, Morrow, Peaslee, Pettit, Powell, Rose, Smydth, Spann, Terrell, Thompson, Truelock, Vance, Williams, Wyman, and Mr. Speaker—46.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Allison, Anderson, Arnold, Baker, Champer, Chapman, Clymer, Cooper, Cotton of P., Cutter, Devin, Field, Flint, Glass, Graham, Healey, Helmer, Hunt, Jackson, Johnson of Monroe, Jones, Kenton, Lane, Matson, McClure, McCormick, Nelson,

Noel, Owen, Perine, Proffitt, Puett, Reynolds, Riley, Rush, Sands, Stewart, Townsend, Willey, Wilson of M., and Wines—44.

So said bill passed.

*Ordered*, That the Senate be informed thereof.

Mr. Noel made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bill of the Senate,

No. 110, Entitled An act to repeal an act entitled An act specifically appropriating a certain amount of the three per cent. fund now due or hereafter first to become due and payable to the county of Porter, approved February 17, 1838.

The following message was received from the Senate, by Mr. Martin, Assistant Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House, entitled to-wit:

No. 13—An act for the relief and benefit of Solomon Vanada of Warrick county; and

No. 184—An act changing the time of holding the probate court in Vigo county;

Each without amendment.

On motion, House adjourned.

*Two o'clock P. M.*

House met, and took up bill

No. 139, To modify the plan of carrying on the public works, so as to secure their ultimate completion, and amendatory to an act entitled An act to provide for a general system of internal improvements, approved Feb. 27, 1836,

Mr. Kinney withdrew the pending amendment proposed by him on yesterday, and proposed the following:

3d. That from and after the first Monday of March next, the state board of internal improvement shall consist of five members, to be elected by joint viva voce vote of the General Assembly. *Provided*, That a majority of all the votes given shall elect, and that each member shall be voted for separately.

4th. The members of said board elected at this session of the General Assembly, shall hold their offices as follows: one for five years, one for four years, one for three years, one for two years, and the other for one year, to be decided by lot among themselves at their first meeting; and each member of said board that shall be elected at

each future session of the General Assembly, shall hold his office for five years, unless to fill a vacancy: *Provided*, That any member of said board may at any time be removed by joint resolution of the legislature.

5th. That the said board shall employ a Chief Engineer of known skill, on the best terms they can obtain for the state, who shall nominate for the approval of the board, all resident engineers, and other officers immediately connected with his branch of the public service.

6th. In case any vacancy shall occur in said board in the recess of the legislature, such vacancy shall be filled by the Governor, and the person so appointed shall hold his office until the close of next session of the General Assembly, and until his successor is elected and qualified.

7th. Said board of internal improvement hereby constituted, shall discharge all the duties, possess all the powers, and be subject to all the regulations and restrictions required of, or conferred on the former State Board of Improvement, except as far as the same are repealed or modified in this act or in any other law, and shall at all times hold their office until their successors are appointed and qualified.

8th. The members of said board shall meet at Indianapolis on the first Monday of March next, and after deciding by lot, the length of time that each shall serve, shall organize by appointing one of their number President, and proceed to business.

9th. It shall be the duty of said board to assume the general control and direction of all the public works of the state, to decide how rapidly they should progress, to determine the manner and time of placing the various works under contract: *Provided*, That in all things they shall be governed by the general principles hereinafter prescribed.

10th. The board after taking a careful view of the probable ultimate expense of the entire system and of each work; the resources of the state; the condition of the money market and the market price of Indiana State bonds; shall from time to time determine the amount of money that may be wisely and beneficially expended on said public works, without affecting injuriously the agricultural interest of the state, by oppressive taxation or by inducing a too serious competition in the price of farming labor: *Provided*, That the expenditures for said works during the year 1839, shall not exceed one million and a half of dollars; and for each succeeding year, shall not exceed one million of dollars, including every expense whatever connected with internal improvements, unless such annual expenditures shall be increased by law hereafter: *And provided, also*, That the said board in their general estimates of expenditures and resources shall never admit or countenance the expedient of borrowing capital to pay interest on previous loans.

11th. In deciding which work or portions of work shall be put under contract, and which shall be first urged to completion. It shall be the duty of the board after carefully examining the subject in all its

bearings to concentrate future expenditures on such works and portions of works, as in their opinion will best subserve the general convenience of the citizens, and conduce to the agricultural and commercial improvements of the state; and as will be likely to yield a revenue to the state at the earliest day, and in furtherance of this object the said board may, whenever the interest of the state will be advanced thereby, transfer contracts from one work to another, or from one part to another part of the same work. That there is hereby appropriated the sum of one million five hundred thousand dollars for the further prosecution of said public works, to be obtained as other funds are obtained, and to be expended by the said board in strict accordance with the principles of this act: *Provided*, That all the expenditures upon said public works shall not exceed, in any one year, the amount herein before limited.

Mr. Judah moved to amend said amendment by striking out "five," and inserting "three;"

And before any action was had thereon, the Speaker adjourned the House until nine o'clock to-morrow morning.

THURSDAY, JANUARY 17, 1839.

House met pursuant to adjournment.

Messrs. Owen and Proffitt were excused from serving on the select committee appointed to investigate certain charges made against Dr. Wiley, President of the Bloomington University;

And Messrs. Boon, Bowles, Chiles, and Bright were added to said committee.

Mr. Jones, on leave granted, introduced joint resolution

No. 221, On the subject of a stage line;

Which was read three times and passed.

*Ordered*, That the Senate be informed thereof.

On motion of Mr. Bryce, leave being granted,

*Resolved*, That the Treasurer of State be requested to report to this House, all the information official and unofficial, in his possession, in relation to the situation of the Lawrenceburgh and Indianapolis Railroad Company; the amount of bonds issued to said company, and especially, all individual communications made to him during the last year on that subject; and that the Clerk of this House furnish him with a copy of this resolution immediately.

The Speaker laid before the House a separate communication from each member of the Board of Internal Improvement; which was,

On motion of Mr. Milroy,

Laid on the table, and two hundred copies ordered to be printed.

Mr. Wilson of Harrison, on leave granted, introduced joint resolution

No. 222, On the subject of the New Albany and Mount Carmel Railroad Company;

Which was read three times and passed, the rule being suspended.

*Ordered*, That the Senate be informed thereof.

Mr. Owen, on leave, introduced bill

No. 223, Relative to the Madison and Indianapolis railroad;

Which was read, and passed to a second reading on to-morrow.

Mr. McCormick, leave being granted, introduced bill

No. 234, To incorporate the Robttoy manufacturing company;

Which was read twice, the rule being suspended, and referred to the committee on corporations.

Mr. Cotton of S., on leave, introduced bill

No. 225, To amend an act entitled An act to organize probate courts, and for other purposes;

Which was read three times and passed, the rule being suspended.

*Ordered*, That the Senate be informed thereof.

Mr. Perine presented the petition of Jacob Baker and others, praying for an alteration in a State road therein named;

Which was referred to the committee on roads.

Mr. Powell presented the petition of sundry citizens of Rush and Shelby counties, on the subject of a turnpike road;

Which was referred to the select committee to which like petitions have been referred.

Mr. Bryce presented the petition of Horace Powell and others, on the subject of a State road therein named;

Which was referred to the select committee to which like petitions have been referred.

Mr. Willey presented the petition of William Post, praying for relief;

Which was referred to a select committee of Messrs. Willey, Mason and Conaway.

Mr. Field presented a petition from the stockholders in the Salem and Ohio Turnpike Company;

Which was referred to the committee on canals and internal improvements.

Mr. Gregory presented two petitions, on the subject of State roads therein named, from sundry citizens of Warren county;

Which was referred to a select committee of Messrs. Gregory, McCormick, and Dole.

Mr. Willey presented the petition of James Heron and others, praying for relief;

Which was referred to the committee on canals and internal improvements, on motion of Mr. Mason.

Mr. Anderson presented the petition of sundry citizens of Franklin, Fayette, and Union;

Which was referred to the committee on canals and internal improvements.

Mr. Kenton presented the petition of sundry citizens of Jasper county, on the subject of the three per cent. fund of said county;

Which was referred to a select committee of Messrs. Kenton, McClure, and Perine.

Also, petition of Kenoyer and others of Jasper county, to legalize the proceedings of the commissioners of said county;

Referred to the select committee as above.

Mr. Jones presented a petition from sundry citizens of Spencer, Perry, Pike, and Dubois counties, praying for an increase of bank capital, and the location of a Branch Bank;

Which was referred to the committee on the State Bank.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House of Representatives,

No. 45, Entitled An act to change the mode of doing county business in the county of Hendricks; with amendments, in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills thereof,

No. 16—An act to incorporate the Richmond and Boston Turnpike Company;

No. 19—An act to vacate and sell the public square in the town of Edinburgh, county of Johnson;

No. 20—An act to locate a State road from Angola to the State line, and from the State line to the county seat of DeKalb county;

No. 26—An act for the benefit of John Robinson;

No. 27—An act to amend the several laws of this State relative to general elections; and,

No. 28—An act to increase the per diem allowance to witnesses;

In which the concurrence of the House of Representatives is also respectfully requested.

On motion of Mr. Johnson of Monroe,

The House refused to concur in the amendment made to No. 45 in said message mentioned.

No. 16, read twice, the rule being suspended, and referred to the committee on corporations.

Nos. 19, 20, 26, 27, and 28, were each read and passed to a second reading on to-morrow.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed a joint resolution of the House,

No. 181, entitled A joint resolution relative to the State seal; without amendment.

Also, engrossed bills of the House:

No. 8—An act to locate a State road from the east line of Whitley county to Fort Wayne;

No. 29—An act respecting roads in Parke county; and,

No. 110—An act to locate a State road in the county of Vigo;

The latter without amendment, and Nos. 8 and 39 with amendments; in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills thereof:

No. 32—An act to amend an act relative to county boundaries;

No. 38—An act amendatory of an act entitled An act for the formation of the county of Blackford, approved Feb. 15, 1838;

No. 109—An act to locate a State road therein named;

No. 70—An act to incorporate the Indiana Medical Institute; and,

No. 108—An act authorizing the location of a State road leading from Allisonville to Franklin via Johnson's mill on Fall creek;

In which also, the concurrence of the House is respectfully requested.

No. 29, mentioned in said message, was read, and

On motion of Mr. Noel,

Laid on the table.

No. 8, House concurred in the amendment of the Senate;

No. 38, Read twice, rule being suspended, and referred to a select committee of Messrs. Vance, Kinney and Hunt;

No. 109, Was read twice, the rule being suspended, and,

On motion of Mr. Flint,

Laid on the table;

No. 32, 70, 108, Were each read and passed to a second reading on to-morrow.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution, viz:

*Resolved*, That the House of Representatives be respectfully requested to furnish the Senate with a copy of the resolutions of the State of Illinois, requesting the State of Indiana to designate the points on the State line at which it will meet the State of Illinois in the construction of her public works, which said resolutions have been by his Excellency, the Governor, laid before the House of Representatives.

Mr. SPEAKER—

I am directed by the Senate to bring to the House of Representatives a copy of the last annual report of the Lawrenceburgh and Indianapolis railroad company, in pursuance of a resolution of the House on that subject.

Mr. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof, entitled

No. 111, A bill authorizing John Manning, sen., to build a mill-dam across the St. Joseph river,

In which the concurrence of the House of Representatives is respectfully requested.

Said bill was read twice, the rules being suspended, and referred to a select committee of Messrs. Thompson, Kinney, and Hubbard.

Mr. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed joint resolution No. 199 of the House, relative to a steamboat canal around the falls of Ohio, with an amendment, in which the concurrence of the House of Representatives is respectfully requested.

House concurred in the amendment of the Senate.

Mr. Noel made the following report:

Mr. SPEAKER—

The joint committee on enrolled bills, report, that they have this day presented to his Excellency, the Governor, for his approval and signature, bill of the Senate, No. 110, entitled An act specifically appropriating a certain amount of the three per cent. fund, now due, or hereafter first to become due, and payable to the county of Porter: approved February 17th, 1838.

Mr. Lane, from the committee on Elections, made the following report:

Mr. SPEAKER :

The committee on elections to which was referred the certificates of the several members of the House, have had the same under consideration, and have directed me to report that the following named gentlemen have been duly elected members, and entitled to their seats as such, viz:

*From the county of Dearborn*—George Arnold, Ebenezer Dumont, Jacob W. Eggleston, and William Conaway.

- From the county of Wayne*—Richard J. Hubbard, Caleb Lewis, Caleb B. Jackson, and Joseph Morrow.
- “ “ *Rush*—William P. Rush, John W. Alley, and Jesse Morgan.
- “ “ *Parke*—William T. Noel and Austin M. Puett.
- “ “ *Montgomery*—John Bryce and James R. M. Bryant.
- “ “ *Morgan*—Jonathan Williams.
- “ “ *Pike and Dubois*—George H. Proffitt.
- “ “ *Clinton*—Andrew Major.
- “ “ *Lawrence*—Melchert Helmer and George W. Carr.
- “ “ *Spencer*—William Jones.
- “ “ *Henry*—R. M. Cooper and J. H. Healey.
- “ “ *Fayette*—John Willey and Philip Mason.
- “ “ *Marion*—Robert Hanna and James Johnson.
- “ “ *Union*—Joseph Anderson and E. Rose.
- “ “ *Sullivan*—Samuel Brown and George Boon.
- “ “ *Monroe*—G. H. Johnson.
- “ “ *Jefferson*—Joseph G. Marshall & M. G. Bright.
- “ “ *Tippicanoe*—James Earl and John Pettit.
- “ “ *Franklin*—John A. Matson and Abner McCarty.
- “ “ *Ripley*—John Glass.
- “ “ *Warrick*—Christopher C. Graham.
- “ “ *Washington*—Henry C. Monroe, Woodbridge Parker, and V. Baker.
- “ “ *Hamilton*—F. B. Cogswell.
- “ “ *Allen*—Lewis G. Thompson.
- “ “ *Madison*—Henry Wyman.
- “ “ *Fountain*—Thomas J. Evans and Joseph McCormick.
- “ “ *Jackson*—John F. Carr.
- “ “ *Clark*—Henry Hurst and Nathaniel Field.
- “ “ *Putnam*—John McNary, James Townsend, and John C. Chiles.
- “ “ *Jennings*—John L. Spann.
- “ “ *Vigo*—Amory Kinney and George W. Cutter.
- “ “ *Floyd*—Isaac Stewart.
- “ “ *Bartholomew*—Thomas G. Lee and William Terrell.
- “ “ *Knox*—Samuel Judah.
- “ “ *Scott*—William Truelock.
- “ “ *Decatur*—Abram Hendricks.
- “ “ *Green*—John F. Allison.
- “ “ *Owen*—Basil Champer.
- “ “ *Posey*—Robert Dale Owen.
- “ “ *Gibson*—James Devin.
- “ “ *Cass*—Job B. Eldridge.

*From the County of Harrison*—George P. R. Wilson and Nathaniel Albertson.

“ “ *Vermillion*—James Blair and William P. Dole.

“ “ *Hendricks*—Samuel Brenton.

“ “ *Shelby*—William J. Peaslee and Erasmus Powell.

“ “ *Randolph*—Miles Hunt.

“ “ *Orange*—William A. Bowles.

“ “ *Vanderburgh*—Joseph Lane.

“ “ *Warren*—James Gregory.

“ “ *Boon*—John H. Nelson.

“ “ *Clay*—Samuel Howe Smydth.

“ “ *Delaware*—David Kilgore.

“ “ *Perry*—Robert G. Cotton.

“ “ *Hanson*—Berrian Reynolds.

“ “ *Hancock*—Joseph Chapman.

“ “ *Elkhart*—Samuel T. Clymer.

“ “ *Laporte*—Charles McClure.

“ “ *Switzerland*—James M. Cotton.

“ “ *St. Joseph*—Elisha Egbert.

“ “ *Daviess*—John Flint.

“ “ *Kosciusko and Marshall*—Aaron M. Perine.

“ “ *Grant and Wabash*—Josiah Leonard Wines.

“ “ *Huntington, Wells, Adams, Jay, &c.*—William Vance.

“ “ *White*—William M. Kenton.

“ “ *Crawford*—Samuel Sands.

“ “ *Miami and Fulton*—Alexander Wilson.

“ “ *Porter and Lake*—George Cline.

“ “ *Lagrange De Kalb, Steuben and Noble*—David B. Herriman.

“ “ *Carroll*—Samuel Milroy.

“ “ *Martin*—John Riley.

In which the House concurred.

Mr. Brenton from the Judiciary committee made the following report in which the House concurred.

MR. SPEAKER—

The Judiciary committee to which was referred a resolution of this House instructing them to inquire if some, and if so, what alterations are necessary in the law regulating mills and millers, approved February 10th, 1831, so as to secure unto millers their civil and constitutional rights; report, that legislation on that subject is inexpedient.

Mr. Thompson made the following report:

MR. SPEAKER—

The committee on roads to which was referred a bill to locate a

State road in the county of Allen, have had the same under consideration, and have directed me to report the same back to the House without amendment and recommend its passage.

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Proffitt, from the committee on canals and internal improvements reports,

MR. SPEAKER—

I am instructed by the committee of canals and internal improvements to report back to the House without amendment, a bill

No. 134, entitled An act to amend an act to extend the Erie and Michigan canal, approved February 4th, 1838.

The committee also direct me to report it inexpedient to legislate on the subject of a survey of a McAdamized road from Albany to Mt. Carmel.

The committee also report it inexpedient to legislate on the subject of an equal division of the three per cent. fund, as per resolution of the gentleman from Scott.

The House concurred in the report of the committee.

And the bill above mentioned was ordered to be engrossed for a third reading on to-morrow.

MR. SPEAKER—

The committee of canals and internal improvements to which was referred a resolution on the subject of surveying the route of a canal from the summit level of the Erie and Michigan canal in Noble county to the Kankakee river &c., has instructed me to report a bill

No. 226, providing for the survey from the summit level of the Erie and Michigan canal to the Illinois state line;

Which was read and passed to a second reading on to-morrow.

Mr. Cotton of S. from the committee on corporations reported bill

No. 227, incorporating the Vevay Steam Mill Manufacturing Company;

Which was read and passed to a second reading on to-morrow.

Mr. Marshall from the committee on the State Bank reported bill

No. 228, providing for the increase of stock in the State Bank;

Which was read and passed to a second reading on to-morrow.

Mr. Graham from the joint committee on the canal fund made the following report.

MR. SPEAKER—

The joint committee on the canal fund, on the part of this House, have directed me report the following bill,

No. 229, to authorize the fund commissioners to make deeds and execute releases on the part of the State;

Which was read and passed to a second reading on to-morrow.

Mr. Kilgore from a select committee reported bill

No. 230, declaring a county road a State road, in Delaware county;

Which was read and passed to a second reading on to-morrow.

Mr. Terrell made the following report:

**MR. SPEAKER—**

The select committee to which was referred the petition of Thomas Jones of Bartholomew county, has had the same under consideration and directed me to report a bill,

No. 231, for the relief of Thomas Jones;

Which was read three times and passed, the rule being suspended.

*Ordered*, That the Senate be informed thereof.

Mr. Wyman made the following report:

**MR. SPEAKER—**

The select committee to whom was referred a bill amending an act entitled An act to provide for a general system of internal improvement, approved January 27th, 1836; also a petition from sundry citizens of Henry county upon that and other subjects, have had the same under consideration, and instructed me to make the following report:

Strike out the second section of said bill, and insert the following:

Commencing on the National road, at or near the point where the Whitewater canal crosses the same, thence passing through Newcastle in Henry county, in a direction to, and terminating at the most eligible point on the Central canal as provided for in the act to which this is an amendment.

The House refused to concur in the report of the committee.

Mr. Kilgore moved to amend said bill as follows:

That so much of the fourth section of an act, to provide for a general system of improvement, approved January 27th, 1836, as requires the connection between the Whitewater and Central canal to be made by canal or railroad be and the same is hereby repealed.

**SEC.** It shall be the duty of the Board of Internal Improvement to cause a connection of the said Whitewater and Central canal to be made by a McAdamized turnpike, and commencing at the head of the Whitewater canal, thence on the nearest and cheapest route to intersect the Muncietown feeder of the Central canal, or the Central canal in Delaware or Madison county, which ever may be the greatest saving of expense to the State.

**SEC.** It shall be the duty of said Board of Internal Improvement to cause said road to be surveyed and permanently located during the year eighteen hundred and thirty-nine.

**SEC.** All laws and parts of laws now in force contravening the provisions of this act, be and the same are hereby repealed.

This act to be in force from and after its passage.

On motion of Mr. Lewis,

Said bill and pending amendment was laid on the table.

On motion of Mr. Willey, (on leave,)

*Resolved*, That the fund commissioners be requested to inform this House, whether the Morris canal and Banking Company has declined the taking of one million of sterling bonds according to agreement; and that the clerk give the fund commissioners a copy of this resolution.

Mr. Field, from a select committee, reported back to the House bill

No. 215, for the relief of George D. Prentice, George W. Wissinger and J. B. Moulton, with an amendment in which the House concurred.

On motion of Mr. Arnold,

Amended by saying, "also sub-contractors;"

The rules were then suspended, bill read a third time and passed.

*Ordered*, That the Senate be informed thereof.

Mr. Chapman made the following report:

**MR. SPEAKER—**

The select committee to whom was referred a resolution directing our inquiry, if any, and if any, what amendments were necessary to the estray law, have had the same under consideration, and have directed me to report a bill

No. 233, to amend an act entitled An act regulating the mode of taking up animals and other property, going estray;

Which was read, and passed to a second reading on to-morrow.

Mr. Rose, from a select committee reported bill

No. 232, to authorize the sale of the Union County Seminary;

Which was read and passed to a second reading on to-morrow

On motion of Mr. Kinney, (leave being given) bill

No. 50, to change the mode of doing county business in Spencer county;

Was taken up, read a third time, and passed.

*Ordered*, That the Senate be informed thereof.

On motion of Mr. Graham, two hundred copies of the report of the board of internal improvement was ordered for the use of the several engineers of this state.

Mr. Kilgore (leave being granted) offered for adoption, the following resolution:

*Resolved*, That this House will hereafter, take up the orders of the day at two o'clock, P. M., on each day;

Which was, on motion of Mr. Owen, laid on the table.

Mr. Johnson of Marion, made the following report, in which the House concured.

MR. SPEAKER—

The select committee to whom was referred the petition of Robert Wilson and others of Hendricks and Marion counties, praying for the vacation of a State road therein named, as well as the remonstrance of Isaac Harden and others of said counties, against said vacation, have had the same under consideration and directed me to report that there are three hundred and nineteen petitioners requesting the said vacation, and four hundred and ninety-five against it; and also, that a great many whose names appear on said petition, are also found on said remonstrance, and that inasmuch as there are a large majority of remonstrants against said petitioners, your committee are of opinion that the prayer of said petitioners ought not to be granted; and ask to be discharged from the further consideration of the subject.

Mr. Kenton, from a select committee, reports:

MR. SPEAKER—

The select committee to which was referred the petition of sundry citizens of Carroll and White counties, on the subject of a state road and bridge company, have had the same under consideration and have directed me to report bills, in accordance with the prayer of the petitioners,

No. 235, to locate a state road in White and Carroll counties;

Read twice, the rule being suspended, and referred to the committee on roads.

No. 236, incorporating the Tippecanoe and Monticello bridge company;

Read, and passed to second a reading on to-morrow.

MR. SPEAKER—

The select committee to which was referred the petition of sundry citizens of Jasper county, on the subject of repealing the law appropriating a part of the three per cent fund of Jasper county, have had the same under consideration, and have directed me to report bill

No. 234, to repeal an act appropriating part of the three per cent. fund of Joseph county;

Read and passed to a second reading on to-morrow.

Mr. Kinney was added to the committee on unfinished business.

Mr. McNary offered for adoption the following resolution:

*Resolved*, That is the duty of the representatives of the people in General Assembly convened, on all occasions to refrain from angry and exciting language, and in debate to observe the rules of the House, and not suffer themselves to use inflammatory or personal abuse, and that when in any moment of excitement and disorder in the House, it is the duty of every member, instead of fanning the flame, to use his

efforts to preserve order and decorum, and to retain that harmony and good feeling which should prevail in all deliberative bodies.

Which was laid on the table.

The House adjourned.

*Two o'clock, P. M.*

The House met,

And proceeded to consider bill

No. 139, to modify the plan of carrying on the public works, so as to secure their ultimate completion, and amendatory to an act, To provide for a general system of internal improvements, approved, February 29, 1836.

Mr. Boon moved to lay the amendment proposed by Mr. Kinney on yesterday, and Mr. Judah's amendment thereto on the table.

The ayes noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Arnold, Baker, Boon, Bowles, Brown, Bryce, Carr of J., Carr of L., Chapman, Chiles, Clymer, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dole, Earl, Eggleston, Field, Glass, Gregory, Hanna, Hendricks, Hubbard, Hunt, Hurst, Johnson of Marion, Jones, Judah, Kilgore, Lee, Lewis, Major, McCarty, McClure, McNary, Milroy, Morrow, Nelson, Noel, Owen, Peaslee, Perine, Pettit, Powell, Puett, Rose, Rush, Sands, Smydth, Stewart, Townsend, Wilson of H., Wilson of M., and Wines—58.

*Those who voted in the negative were*

Messrs. Allison, Anderson, Brenton, Bright, Cline, Cogswell, Cooper, Egbert, Eldridge, Flint, Graham, Helmer, Healey, Jackson, Johnson of Monroc, Kenton, Kinney, Lane, Marshall, Mason, Matson, McCormick, Morgan, Parker, Proffitt, Reynolds, Riley, Spann, Terrell, Thompson, Vance, Willey, Williams, Wyman, and Mr. Speaker—37.

So said amendment and proposed amendment thereto, was laid on the table.

Mr. Peaslee moved to reconsider the vote on adopting the amendment of Mr. Owen, providing for the board to consist of three members after the first year.

Mr. Kilgore moved to indefinitely postpone said bill and pending amendments.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Champer, Cooper, Cutter, Flint, Graham, Healey,

Kilgore, Lane, Lee, Marshall, McCormick, Proffitt, Reynolds, Smydth, Williams, Wyman—17.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Chiles, Cline, Clymer, Cogswell, Conaway, Cotton of P., Cotton of S., Devin, Dole, Earl, Egbert, Eggleston, Eldridge, Field, Glass, Gregory, Hanna, Helmer, Hendricks, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kenton, Kinney, Lewis, Major, Mason, Matson, McCarty, McClure, McNary, Milroy, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Perine, Pettit, Powell, Puett, Riley, Rose, Rush, Sands, Spann, Stewart, Terrell, Thompson, Townsend, Vance, Willey, Wilson of H., Wilson of M., and Mr. and Speaker—77.

So said bill was not indefinitely postponed.

Mr. Proffitt moved to lay the bill and pending amendments on the table, and the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Champer, Cline, Cooper, Cutter, Flint, Graham, Kilgore, Kinney, Lane, Lee, Marshall, Matson, McCormick, Proffitt, Smydth, Spann, Townsend, Williams, Wyman, and Mr. Speaker—21.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Chiles, Clymer, Cogswell, Conaway, Cotton of P., Cotton of S., Devin, Dole, Earl, Egbert, Eggleston, Eldridge, Field, Glass, Gregory, Hanna, Healey, Helmer, Hendricks, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kenton, Lewis, Major, Mason, McCarty, McClure, McNary, Milroy, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Perine, Pettit, Powell, Puett, Reynolds, Riley, Rose, Rush, Sands, Stewart, Terrell, Townsend, Vance, Willey, Wilson of H., Wilson of M., and Wines—74.

So said bill was not laid on the table.

Mr. Proffitt then moved to lay the bill on the table until Monday next, the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Brenton, Bright, Bryant, Champer, Chiles, Cline, Cogswell, Cooper, Cutter, Egbert, Flint, Healey, Helmer, Johnson of Monroe, Lane, Lee, Marshall, Mason, Matson, McCormick, Proffitt,

Reynolds, Smydth, Spann, Terrell, Thompson, Vance, Willey, Williams, Wyman and Mr. Speaker—32.

*And those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brown, Bryce, Carr of J., Carr of L., Chapman, Clymer, Conaway, Cotton of P., Cotton of S., Devin, Dole, Earl, Eggleston, Field, Eldridge, Glass, Graham, Gregory, Hanna, Hendricks, Hubbard, Hurst, Jackson, Johnson of Marion, Jones, Judah, Kenton, Kinney, Lewis, Major, McCarty, McClure, McNary, Milroy, Morgan, Monroe, Nelson, Noel, Owen, Parker, Peaslee, Perine, Pettit, Powell, Puett, Riley, Rose, Rush, Sands, Stewart, Townsend, Wilson of H., Wilson of M., Wines—62.

So said bill was not laid on the table.

The House then consented to reconsider the vote on Mr. Owen's amendment, as moved by Mr. Peaslee.

Mr. Owen withdrew his amendment.

Mr. Bryce then moved to reconsider the vote on concurring in the amendment of the committee, of the whole on striking out "three" and inserting "five."

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brown, Bryce, Carr of J., Carr of L., Chapman, Conaway, Cotton of P., Cotton of S., Devin, Dole, Earl, Eggleston, Field, Glass, Gregory, Hanna, Hendricks, Hurst, Johnson of Marion, Jones, Judah, Kenton, Lewis, Major, Matson, McCarty McClure, McNary, Milroy, Morgan, Morrow, Nelson, Noel, Owen, Peaslee, Perine, Pettit, Powell, Puett, Rose, Rush, Sands, Townsend, Wilson of H., Wilson of M., and Wines—53.

*Those who voted in the negative were*

Messrs. Allison, Brenton, Bright, Bryant, Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Cutter, Egbert, Eldridge, Flint, Graham, Healey, Helmer, Hubbard, Hunt, Jackson, Johnson of Monroe, Kilgore, Kinney, Lane, Lee, Marshall, Mason, McCormick, Parker, Profit Reynolds, Riley, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Willey, Williams, Wyman and Mr. Speaker—42.

So said vote was reconsidered.

The question then recurred on concurring with the amendment made to said bill, by the committee of the whole, which was to strike out "three" and insert "five," and the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Brenton, Bright, Bryant, Champer, Chiles, Clymer, Cogswell, Cooper, Cutter, Egbert, Eldridge, Flint, Graham, Healey, Helmer, Hubbard, Hunt, Jackson, Johnson of Monroe, Kilgore, Kinney, Lane, Lec, Marshall, Mason, McCormick, McNary, Parker Proffitt, Reynolds, Riley, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Willey, Williams, Wyman, and Mr. Speaker—43.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brown, Bryce, Carr of J., Carr of L., Chapman, Conaway, Cotton of P., Cotton of S., Devin, Dole, Earl, Eggleston, Field, Glass, Gregory, Hanna, Hendricks, Hurst, Johnson of Marion, Jones, Judah, Kenton, Lewis, Major, Matson McCarty, McClure, Milroy, Morgan, Morrow, Nelson, Noel, Owen, Peaslee, Perine, Pettit, Powell, Puett, Rose, Rush, Sands, Townsend, Wilson of H., Wilson of M., and Wines—52.

So the House refused to concur in the amendment of the committee.

Mr. Perine moved the previous question, which was seconded by a majority of the House.

The House also decided that the main question should be now put, which was, Shall the bill be engrossed?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Arnold, Baker, Boon, Bowles, Brown, Bryce, Carr of J., Carr of L., Chapman, Cline, Conaway, Cotton of P., Cotton of S., Dole, Earl, Eggleston, Field, Glass, Gregory, Hanna, Hendricks, Hubbard, Hurst, Johnson of Marion, Jones, Judah, Kenton, Lewis, Major, McCarty, Milroy, Morgan, Nelson, Noel, Owen, Peaslee, Perine, Pettit, Powell, Puett, Rose, Rush, Sands, and Wilson of H.—46.

*Those who voted in the negative were*

Messrs. Allison, Brenton, Bright, Bryant, Carr of L., Champer, Chiles, Clymer, Cogswell, Cooper, Cutter, Devin, Egbert, Eldridge, Flint, Graham, Healey, Helmer, Hunt, Jackson, Johnson of Monroe, Kilgore, Kinney, Lane, Lee, Marshall, Mason, Matson, McClure, McCormick, McNary, Morrow, Parker, Proffitt, Reynolds, Riley, Smydth, Spann, Stewart, Terrell, Thompson, Townsend, Vance, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—49.

So said bill was not ordered to be engrossed.

The House went into orders of the day, took up bill No. 148, to amend an act entitled An act to provide for a general system of internal improvement.

Mr. Bryce withdrew his pending motion to indefinitely postpone said bill;

And before any further action thereon, on motion the House adjourned.

## FRIDAY, JANUARY 18, 1839.

House met pursuant to adjournment.

Mr. Noel, on leave introduced bill

No. 237, to change the mode of prosecuting the public works, and amendatory to an act entitled An act to provide for a general system of internal improvement, approved February 27, 1836;

Which was read and passed to a second reading on to-morrow.

Messrs. Proffit and McClure, asked and were excused from serving on the committee on canals and internal improvements.

On motion of Mr. Milroy,

The rules of the House were suspended;

When Mr. Townsend moved to reconsider the vote taken on yesterday, on engrossment of bill

No. 139, to modify the plan of carrying on the public works, so as to secure their ultimate completion, and amendatory to an act entitled An act to provide for a general system of internal improvements, approved February 27, 1836.

And the ayes and noes being requested thereon.

### *Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker Boon, Bowles, Brenton, Bright, Brown, Bryce, Carr of J., Chapman Cline, Clymer, Cogswell, Cotton of P., Cotton of S., Earl, Egbert, Eggleston, Field, Glass, Graham, Gregory, Hanna, Hendricks, Herriman, Hunt, Hurst, Johnson of Monroe, Johnson of Marion, Jones, Judah, Kilgore, Lewis, Major, Marshall, Mason, Matson, McCarty, McClure, McNary, Milroy, Morgan, Morrow, Nelson, Owen, Peaslee, Perine, Powell, Proffit, Rose, Rush, Sands, Stewart and Townsend—57.

### *Those who voted in the negative were*

Messrs. Allison, Bryant, Carr of L., Champer, Chiles, Cogswell, Cooper, Custer, Devin, Dole, Eldridge, Flint, Healey, Helmer, Hubbard, Jackson, Kenton, Kinney, Lane, Lee, McCormick, Noel, Parker, Puett, Reynolds, Riley, Smydth Spann Terrell, Thompson,

Vance, Willey, Williams, Wilson of H., Wilson of M., Wines, Wyman and Mr. Speaker—38.

So the vote on engrossment was reconsidered.

The motion seconding the previous question was withdrawn by a majority of the House.

On motion of Mr. Milroy,

Said bill was referred to a select committee of Messrs. Milroy, Noel, Owen, Field, Peaslee, Marshall, Kinney, Mason, Thompson, McClure, Proffit and Judah.

Bill No. 237, introduced by Mr. Noel, was read a second time, the rule being suspended, and referred to the select committee appointed on bill No. 139.

Mr. Hubbard offered the following instructions to the committee; to strike out the bill from the enacting clause, and insert bill No. 237.

On motion of Mr. Proffit,

Said instructions was laid on the table.

Mr. Hurst, (on leave,) introduced a petition from sundry citizens of Jeffersonville, praying for an act to be passed, substituting for the old plan of "Jeffersonville Enlarged," one more convenient to the whole inhabitants;

Which was referred to a select committee of Messrs. Hurst, Field, Proffit, Stewart and Owen.

On motion, the House adjourned.

*Two o'clock, P. M.*

House met.

Speaker laid before the House the following communication.

OFFICE FUND COMMISSIONERS,  
*Indianapolis, January 17th, 1839.*

House of Representatives:

The undersigned one of the fund commissioners, on behalf of the Board, would respectfully inform the House of Representatives, in reply to a resolution of this morning, that the Morris canal and Banking company, has not declined taking the one million of sterling bonds for which they contracted, as stated in the report of the Board. They have now paid \$750,000, leaving but \$250,000 due of the amount on the 1st January.

Respectfully,  
CALEB B. SMITH, F. C.

The Speaker laid before the House a communication from the Board of Public Works;

Which was read, laid on the table, and one hundred copies ordered to be printed.

Also, a communication from the Treasurer of State, in answer to a resolution of the House on the subject of the Indianapolis and Lawrenceburgh railroad company;

Which was read and referred to the Judiciary committee.

The following message was received from the Senate by Mr. Dunning, a member.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representative that the Senate has passed an engrossed bill thereof,

No. 119, entitled An act for the relief of John Bowland.

In which the concurrence of the House of Representatives is respectfully requested:

The rules of the House were suspended, said bill read three times and passed.

The following message was received from the Senate by Mr. Finch, a member.

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 38, entitled An act for the relief of the owners of certain forfeited lands and town lots in Clinton county, with an amendment,

In which the concurrence of the House is respectfully requested.

On motion of Mr. Bryce,

The House concurred in the amendment of the Senate, with an amendment.

Mr. Lee presented the petition of sundry citizens of Brown county, praying an act to legalize the acts of Avery McGee, recorder of said county;

Which was referred to a select committee of Messrs. Lec, Terrell and Sands.

Mr. Herriman presented the petition of sundry citizens of Lagrange county, praying for the re-location of the seat of Justice of said county;

Which was referred to the same select committee to which like petitions have been referred.

Mr. McCarty presented the petition of sundry citizens of the town of Ceylon in Franklin county, praying the name of said town to be changed to that of Andersonville;

Which was referred to a select committee of Messrs. McCarty, Matson and Morrow.

Mr. Perine presented the petition of sundry citizens of Kosciusko county, praying for the election of an additional Justice of the Peace in the town of Oswego;

Which was referred to a select committee of Messrs. Perine, Egbert and Herriman.

Mr. Conaway, (on leave) introduced bill No. 238, to provide for the safe keeping of Martin Jackson, an insane person;

Which was read twice, the rule being suspended;

*Ordered*, To be engrossed, third reading on to-morrow.

Mr. Vance presented the petition of sundry citizens of Wells county, praying for a part of said county to be attached to Blackford county;

Also, a remonstrance on the same subject, from a much larger number of the citizens of Wells county, against said petition;

Both of which were referred to a select committee of Messrs. Vance, Thompson, and Wines.

Mr. Perine presented the petition of Peter Gordy, praying for the survey of a canal from the summit level of the Northern canal in Noble county to the Kankakee;

Which was laid on the table.

Mr. Lane presented the memorial of the President and Trustees of the town of Evansville, praying for an alteration in the act incorporating said town;

Which was referred to a select committee of Messrs. Lane, Graham, and Devin.

Mr. Thompson presented the petition of J. H. McMacken, praying for relief in a case therein named;

Which was referred to the committee on canals and internal improvements.

Also, the petition of the Board of Commissioners of Allen county and others, praying that Mathew Greggs may be repaid certain moneys, which he has paid as tax;

Which was referred to the committee on claims.

Mr. Terrell presented the petition of sundry citizens of the town of Columbus, praying an act of incorporation for said town;

Which was referred to a select committee of Messrs. Terrell, Lee, and Spann.

Mr. Bright presented the remonstrance of Richard Worson and others, against changing the lines of Jefferson county;

Which was laid on the table.

Mr. Major presented the petition of Elias Walden and others, praying for a State road therein named;

Which was referred to the committee on roads.

Mr. Hanna presented the petition of John F. Miller and others, praying the passage of a law to authorize his wife to convey her right of dower;

Which was referred to the committee on the judiciary.

Mr. Perine, on leave, introduced bill

No. 230, to legalize the acts of the probate judge of Kosciusko county;

Which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

*Those who voted in the negative were*

Messrs. Albertson, Anderson, Arnold, Bowles, Brown, Chiles, Cline, Conaway, Cotton of P., Devin, Earl, Eggleston, Glass, Gregory, Hecley, Hurst, Johnson of Monroe, Jones, Major, McNary, Riley, Rose, Stewart, Townsend, and Wilson of H.—25.

So said bill was taken up, when the question recurred on the amendment of Mr. Bryce proposed some days ago.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Baker, Bryant, Bryce, Chiles, Cotton of P., Devin, Dole, Earl, Eldridge, Glass, Gregory, Hanna, Johnson of Marion, Jones, McNary, Nelson, Penslee, Stewart, Wilson of H., and Mr. Speaker—21.

*Those who voted in the negative were*

Messrs. Alley, Allison, Arnold, Bowles, Bright, Brown, Carr of J., Carr of L., Chapman, Champver, Cline, Clymer, Cooper, Cogswell, Conaway, Cotton of S., Cutter, Egbert, Eggleston, Field, Flint, Gra-bam, Healey, Helmer, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Monroe, Judah, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Major, Marshall, Mason, Matson, McCarty, McClure, McCornick, Milroy, Monroe, Owen, Powell, Proffitt, Puett, Reynolds, Riley, Rose, Rush, Sands, Smyth, Spann, Terrell, Thompson, Townsend, Wiley, Wilson of M., Wides, and Wyman—65.

So said amendment did not prevail.

Mr. Stewart moved to amend said bill, by striking out "\$600,000," and inserting in lieu thereof "\$200,000;—"

Which was decided in the negative.

On motion the House adjourned.

*Two o'clock, P. M.*

The House met, and proceeded to the consideration of the bill pending on adjournment, when

Mr. Wyman proposed the following amendment:

*Provided, That should the legislature hereafter limit the expenditures of the State to one and a half million of dollars, or any other sum annually, said six hundred thousand dollars shall not be included therein.*

And the ayes and noes being requested thereon,

like and unprecedented expedient, and that a copy of this resolution be served on said commissioners, and a reply be requested forthwith.

Which resolution was laid on the table.

On motion of Mr. Cotton of S.,

*Resolved*, That the chief engineer be requested to report to this House, so far as may be in his power, whether it would be practicable to change the route of the Erie and Michigan canal, so as to pass down Yellow River and the Kankakee to the State line, and also whether that route would probably afford equal or greater facilities for forming a perfect connection with the Illinois canal, and whether said connection would or would not increase materially the trade upon the Michigan and Erie canal.

Mr. Stewart offered for adoption the following:

*Resolved*, That Jesse L. Williams, principal engineer of this State, be requested to report to this House, as soon as practicable, the probable cost of finishing and completing the grading of the hill back of Madison, where the Madison and Indianapolis rail road crosses the same, and also what will be the whole cost of grading said road per mile as far as lettings have been made.

Which resolution was laid on the table.

Od motion of Mr. Wines,

*Resolved*, That the board of public works be requested to report to this House their opinion as to the propriety, and whether or not it would be to the interest of the State, to build a lock in the feeder at dam No. 2 of the Wabash and Erie canal, in order to enable the State to get at the valuable stone quarries in that neighborhood.

Mr. Field offered for adoption the following:

*Resolved*, That the board of internal improvement be requested to lay before this House, a tabular statement of the annual expense incurred in keeping in repair, superintending, &c., the Ohio and Miami canals since the time they went into operation.

Which resolution was not adopted.

Mr. Marshall moved to take up bill

No. 65 to provide for the further construction of the Madison and Layfayette rail road;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Alley, Allison, Baker, Bright, Bryant, Bryce, Carr of L., Carr of J., Champner, Chapman, Cogswell, Cooper, Cotton of S., Cutter, Dole, Egbert, Eldridge, Field, Flint, Graham, Hanna, Hendricks, Herriman, Hubbard, Hurst, Jackson, Johnson of Marion, Judah, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Marshall Mason, Matson, McCarty, McClure, McCormick, Milroy, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Powell, Proffit, Puett, Reynolds, Rush, Sands, Smyth, Spann, Terrell, Thompson, Vance, Wiley, Wilson of M. Wines, Wyman, and Mr. Speaker—62.

Mr. McCarty from like committee reported bill

No. 214, to change the name of the town of Ceylon to Anderson-ville;

Which was read twice, and ordered to be engrossed for a third reading to-morrow.

Mr. Hurst, from like committee reported bill

No. 215, to provide for a re-survey of the enlargement of the town of Jeffersonville;

Which was read three times and passed, the rule being suspended.

Ordered, That the Senate be informed thereof.

Mr. Kenton, from like committee, reported bill

No. 216, to legalize the acts of the board of commissioners of Jasper county;

Which was read and passed to a second reading on to-morrow.

Mr. Hubbard, from like committee, reported bill

No. 217, to divorce Lucy Hudson from Daniel Hudson.

Mr. Carr of L. moved to reject said bill, which did not prevail.

Said bill was then read twice, the rule being suspended; when Mr. Kinney moved to indefinitely postpone it, and the ayes noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Allison, Anderson, Arnold, Baker, Boon, Bowles, Bright, Brown, Bryant, Bryce, Carr of L., Champner, Chapman, Chiles, Cogswell, Cooper, Conway, Cotton of P., Cotton of S., Devin, Earl, Eggleston, Field, Flint, Gregory, Hanna, Helmer, Hendricks, Herri-man, Hunt, Jackson, Johnson of Marion, Judah, Killgore, Kinney, Lane, Major, Marshall, Matson, McCarty, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Powell, Puett, Reynolds, Riley, Rose, Rush, Sands, Smydth, Spann, Thompson, Townsend, Truelock, Willey, Wilson of H., Wilson of M., Wines, Wyman, and Mr. Speaker—66.

*Those who voted in the negative were*

Messrs. Alley, Cline, Clymer, Cutter, Dole, Egbert, Glass, Graham, Healey, Hubbard, Hurst, Johnson of Monroe, Jones, Kenton, Lee, Lewis, McClure McCormick, Monroe, Proffitt, Stewart, Terrell, and Vance—22.

So said bill was indefinitely postponed.

Mr. Cutter offered for adoption, the following:

*Resolved*, That the fund commissioners be, and they are hereby requested to report to this House, why it was that they paid the interest or any part thereof upon the loans contracted by them for internal improvement purposes out of the principal thus borrowed, and if they were directly authorized by any action of the last session of the legislature to do so; what amount they have paid thus; and if any necessity exists for the continuance of such an unfinancial, unstatesman-

That lot No. 20, in Jeffersonville, was purchased about twenty years ago by one John Harvey, who was a foreigner and duly naturalized. Harvey conveyed the lot his daughter, Maria York Harvey, about fifteen years ago, and died, the daughter married one Keeder, and shortly after died without issue or known heirs, leaving her husband tenant by the courtesy, and in full and undisturbed possession of the lot. About twelve years ago, the husband being in such possession, conveyed the lot to Charles Slead and James Keigwin; the latter soon after conveyed his interest to the former, who, about six years ago sold and conveyed the lot to Samuel Beach, now deceased, who conveyed 36 feet off of north end to Hon. Charles Dewey, and by his last will and testament devised the residue to his daughter, Henrietta the wife of the memorialist. Judge Dewey has been in possession ever since the conveyance to him, and said Henrietta ever since the death of her father. At the last session of the legislature an act was passed, appropriating this lot as escheated, to free schools in Jeffersonville. The act provides that, "*if by inquest found*, said lot No. 20 shall be found to have escheated, &c.," No proceedings have been had under this act, but the whole matter remains as it was before its passage.

As the right of the state, if any, was not asserted shortly after it had occurred, and the property has fallen into the hands of third persons, who have paid a valuable consideration; the committee think that it would be oppressive and unjust now in the state to set up a claim; and recommend the passage of the following law.

**M. G. BRIGHT, Chairman.**

No. 241, for the relief of Henrietta Ames and Charles Dewey; Which was read twice, the rule being suspended, and referred to the committee on the judiciary.

Mr. Eggleston from a select committee, reported bill No. 242, to locate a State road in Dearborn county; Which was read and passed to a second reading on to-morrow.

Mr. Gregory made the following report, in which the House concurred.

**MR. SPEAKER—**

The select committee to whom was referred the petition of Samuel Witzel and others, citizens of the counties of Warren and Fountain, have had the same under consideration and have agreed to report favorably, and have directed me to report that the committee has placed a section in the general State road bill, now in the hands of the chairman of the committee on roads, for the establishment of a State road in accordance with the prayer of the petitioners.

Mr. Monroe, from a select committee, reported bill No. 243, to amend an act entitled An act locating a State road from Salem in Washington county to Charlestown in Clark county; Which was read and passed to a second reading on to-morrow.

Flint, Glass, Graham, Gregory, Hanna, Healey, Helmer, Herriman, Hubbard, Hurst, Jackson, Johnson of Monroe, Jones, Kilgore, Kinney, Lane, Lee, Marshall, Mason, Matson, McCarty, McCormick, Morrow, Parker, Proffitt, Reynolds, Smydt, Spann, Terrell, Thompson, Townsend, Vance, Willey, Williams, Wines, Wyman, and Mr. Speaker—52.

So said bill was not taken up.

Mr. Morgan, from the joint committee on enrolled bills, reports:

Mr. SPEAKER—

The joint committee on enrolled bills, report that they have this day compared the following engrossed bills and joint resolutions of the House, with the enrolled bills and joint resolutions, and find the same correctly enrolled, viz:

No. 8—An act to locate a State road from the East line of Whiteley county to Fort Wayne;  
No. 13—An act for the relief and benefit of Solomon Vanada of Warlick county;

No. 110—An act to locate a State road in the county of Vigo;

No. 181—A joint resolution relative to the State Seal;

No. 184—An act changing the time of holding the probate court in Vigo county;

No. 199—A joint resolution relative to a steamboat canal around the falls of Ohio.

Mr. Noel reported:

Mr. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the enrolled with the engrossed bill of the Senate, No. 38, Entitled An act amendatory of an act entitled An act for the formation of the county of Blackford, approved Feb. 15, 1838, and find the same correctly enrolled.

Mr. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the following engrossed bill of the Senate with the enrolled bill, and find the same correctly enrolled, viz:  
No. 119—An act for the relief of John Bowland.

Mr. Bright made the following report:

Mr. SPEAKER—

The select committee to which was referred the memorial of Rev. E. R. Ames, and the petition of William Stevenson and others, citizens of Jeffersonville, would respectfully report:

Mr. Powell, from the committee on roads, made the following report, in which the House concurred:

Mr. SPEAKER—

The committee on roads to which was referred so much of the Governor's message as relates to the three per cent. fund have had the same under consideration, and have directed me to report that legislation at this time on that subject is unnecessary.

Mr. Arnold, from the same committee, reported back to the House, bill

No. 179, To re-locate part of a state road from Lawrenceburgh to Harrison, without amendment;

Said bill was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Noel made the following report:

Mr. SPEAKER—

The select committee to which was referred bill of the House, No. 237, entitled A bill to change the mode of prosecuting the public works, and to amend an act entitled An act to provide for a general system of internal improvement, has had the bill under consideration, and directed me to report the same back without amendment to the House, with a recommendation that it be reinstated in the orders of the day.

House concurred in the report of the committee.

Mr. Owen moved to suspend the rules and take up bill

No. 139, to modify the plan of carrying on the public works, so as to secure their ultimate completion, and amendatory to an act entitled An act to provide for a general system of internal improvement, approved 27th Feb., 1836.

The yeas and nays being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Baker, Boon, Bowles, Brown, Clymer, Cogswell, Conaway, Cotton of P., Cotton of S., Earl, Egbert, Eggleston, Eldridge, Field, Hendricks, Hunt, Johnson of Marion, Judah, Kenton, Lewis, Major, McClure, McNary, Milroy, Monroe, Morgan, Nelson, Noel, Owen, Peaslee, Powell, Puett, Riley, Rose, Rush, Sands, Stewart, Truelock, Wilson of H., and Wilson of M.—44.

*Those who voted in the negative were*

Messrs. Allison, Arnold, Bright, Bryce, Bryant, Carr of J., Carr of L., Champer, Chapman, Chiles, Cline, Cooper, Cutter, Devin, Dole,

SATURDAY, JANUARY 19, 1839.

House met pursuant to adjournment.

Messrs. Mason and Parker were added to the committee on canals and internal improvements.

Mr. Owen presented a petition from sundry citizens of Posey county, praying a change in the law regulating the jurisdiction of justices of the peace in said county;

Which was referred to the select committee to which like petitions have been referred.

Also from sundry citizens of the same county, on the subject of an increase of the stock of the State Bank, and for the location of a Branch at Mount Vernon.

Which was referred to the committee on the State Bank.

Mr. Morrow presented the petition of sundry citizens of the town of Newport in Wayne county, praying an act to suppress the sale of spirits in said town by less quantity than ten gallons;

Which was referred to a select committee of Messrs. Morrow, Lewis, Hubbard, and Jackson.

Mr. Truelock presented three petitions from sundry citizens of Scott and Jefferson counties, praying for a part of the latter to be attached to the former county;

Which was referred to the select committee to which like petitions have been referred.

Mr. Hurst presented the petition of Edward Edger and others, asking the incorporation of a company to construct a road therein named;

Which was referred to the select committee to which like petitions have been referred.

Mr. Johnson of Monroe presented the petition of sundry citizens of Monroe county, on the subject of a stage route;

Which was referred to a select committee of Messrs. Johnson of Monroe, Helmer, and Carr of L.

On motion of Mr. Anderson, bill No. 113, Providing for the election of county treasurers, and for other purposes,

Was taken from the committee of the whole and placed in the orders of the day.

Mr. Hunt, from the judiciary committee, reported bill No. 219, Regulating the allowance of judges probate to administrators;

Which was read twice, the rule being suspended; when Mr. Hole moved to amend by inserting "or such *per diem* allowance as the judge of said court may deem reasonable;"

Mr. Peaslee moved to amend the amendment thus: "not more than fifteen on all estates under five hundred dollars;" when,

On motion of Mr. Proffit,

Said bill and pending amendments were laid on the table.

Mr. Vance, from a select committee, made the following report:

MR. SPEAKER—

The select committee to which was referred bill No. 38, entitled A bill amendatory of an act entitled An act for the formation of the county of Blakford, approved Feb. 15, 1838, have had the same under consideration and directed me to report the same back without amendment.

Said bill was read a third time and passed.

*Ordered*, That the Senate be informed thereof.

Mr. Milroy, from the select committee to which was referred bills No. 139 and 237, made the following report:

MR. SPEAKER—

The select committee to which was referred A bill to modify the plan of carrying on the public works, have had the same under consideration and have directed me to report it back with one amendment, viz: to strike it out from the enacting clause and insert in lieu thereof the following, herewith submitted.

The question being, Will the House concur in the report of the committee?

And the ayes and noes being demanded thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Cline, Clymer, Cogswell, Cooper, Conway, Cotton of P., Cotton of S., Devin, Dole, Earl, Egbert, Eggeston, Eldridge, Field, Flint, Glass, Graham, Gregory, Hanna, Hecaley, Helmer, Hendricks, Heriman, Hubbard, Hunt, Hurst Johnson of Marion, Johnson of Monroe, Jones, Judah, Kinton, Kilgore, Kinney, Lane, Lewis, Major, Marshall, Mason, Matson, McCarty, McClure, McNary, Milroy, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Perine, Pettit, Powell, Trofitt, Puett, Reynolds, Riley, Rose, Rush, Sands, Spann, Stewart, Terrell, Thompson, Townsend, Truelock, Vance, Wilson of H., Wilson of M., Wines, Wyman, and Mr. Speaker—83.

*Those who voted in the negative were*

Messrs. Allison, Chamber, Chiles, Cutter, Jackson, Lee, McCormick Noel, Smyth, Willey, and Williams—11.

So the House concurred in the report of the committee.

On motion, House adjourned.

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well in New Orleans, La.

*Those who voted in the affirmative were*

Messrs. Alley, Bryant, Bryce, Chiles, Cline, Clymer, Cogswell, Cooper, Cotton of P., Cutter, Egbert, Eldridge, Flint, Graham, Healey, Helmer, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Monroe, Jones, Kilgore, Kinney, Matson, McCarty, McClure, McCormick, McNary, Morgan, Proffitt, Riley, Smydth, Spann, Stewart, Thompson, Vance, Wines, Wyman and Mr. Speaker—41.

*Those who voted in the negative were*

Messrs. Albertson, Allison, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Bright, Brown, Carr of J., Carr of L., Champer, Chapman, Conaway, Cotton of S., Devin, Dole, Earl, Eggleston, Gregory, Hanna, Hendricks, Johnson of Marion, Judah, Kenton, Lane, Lee, Lewis, Major, Marshall, Mason, Milroy, Monroe, Morrow, Nelson, Noel, Owen, Parker, Peaslee, Perine, Powell, Puett, Reynolds, Rose, Rush, Sands, Terrell, Townsend, Truelock, Willey, Wilson of H., and Wilson of M.—53.

So said amendment was lost.

Mr. Clymer moved to lay said bill on the table until Monday, two o'clock P. M.;

Which did not prevail.

Mr. McClure moved the previous question, which was seconded by a majority of the House.

The question then was Shall the main question be now put?

And the ayes and noes being demanded thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Champer, Chapman, Chiles, Cline, Clymer, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Dole, Earl, Egbert, Eggleston, Eldridge, Flint, Glass, Graham, Gregory, Hanna, Helmer, Healey, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kenton, Kinney, Lee, Marshall, Mason, Matson, McCarty, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Parker, Peaslee, Powell, Puett, Reynolds, Riley, Rose, Rush, Sands, Spann, Terrell, Thompson, Truelock, Vance, Willey, Wilson of H., Wilson of M., Wines, Wyman, and Mr. Speaker—81.

*Those who voted in the negative were*

Messrs. Allison, Kilgore, Lane, Lewis, Major, McClure, McCormick, Milroy, Perine, Smydth, Stewart, and Townsend—12.

So it was agreed that the main question should now be put; which was Shall said bill be engrossed?

bill is not of prop the poor  
He reasons upon laws that have been  
not those that are

The Law now provides for purging the  
Conscience of the debtor

It ought not to stop short of  
preventing attachments in civil  
Cases - & Capias in Misdemeanors

I am

Atty General to endorse bail negd.  
Pres. of U. S or Gov. Ohio.

Wrote to abolish imprisonment  
for debt - Saviour of the world

Who is in the walls of a jail  
Imprison a man that has  
no property

He will make the appeal of his  
knows the facts true - Ambition  
& Fear of losing the debt

*Those who voted in the affirmative were*

Messrs. Alley, Bryant, Bryce, Chiles, Cline, Clymer, Cogswell, Cooper, Cotton of P., Cutter, Egbert, Eldridge, Flint, Graham, Healey, Helmer, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Monroe, Jones, Kilgore, Kinney, Matson, McCarty, McClure, McCormick, McNary, Morgan, Proffitt, Riley, Smydth, Spann, Stewart, Thompson, Vance, Wines, Wyman and Mr. Speaker—41.

*Those who voted in the negative were*

Messrs. Albertson, Allison, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Bright, Brown, Carr of J., Carr of L., Champer, Chapman, Conaway, Cotton of S., Devin, Dole, Earl, Eggleston, Gregory, Hanna, Hendricks, Johnson of Marion, Judah, Kenton, Lane, Lee, Lewis, Major, Marshall, Mason, Milroy, Monroe, Morrow, Nelson, Noel, Owen, Parker, Peaslee, Perine, Powell, Puett, Reynolds, Rose, Rush, Sands, Terrell, Townsend, Truelock, Willey, Wilson of H., and Wilson of M.—53.

So said amendment was lost.

Mr. Clymer moved to lay said bill on the table until Monday, two o'clock P. M.;

Which did not prevail.

Mr. McClure moved the previous question, which was seconded by a majority of the House.

The question then was Shall the main question be now put?

And the ayes and noes being demanded thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Champer, Chapman, Chiles, Cline, Clymer, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Dole, Earl, Egbert, Eggleston, Eldridge, Flint, Glass, Graham, Gregory, Hanna, Helmer, Healey, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kenton, Kinney, Lec, Marshall, Mason, Matson, McCarty, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Parker, Peaslee, Powell, Puett, Reynolds, Riley, Rose, Rush, Sands, Spann, Terrell, Thompson, Truelock, Vance, Willey, Wilson of H., Wilson of M., Wines, Wyman, and Mr. Speaker—81.

*Those who voted in the negative were*

Messrs. Allison, Kilgore, Lane, Lewis, Major, McClure, McCormick, Milroy, Perine, Smydth, Stewart, and Townsend—12.

So it was agreed that the main question should now be put; which was Shall said bill be engrossed?

And the ayes and noes being demanded,

*Those who voted in the affirmative were*

Messrs. Allison, Arnold, Brenton, Bright, Bryant, Bryce, Carr of J., Champer, Clymer, Cogswell, Cooper, Cutter, Dole, Egbert, Eldridge, Graham, Gregory, Hanna, Healey, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Judah, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Marshall, Mason, Matson, McCarty, Morgan, Morrow, Nelson, Noel, Owen, Parker, Peaslee, Powell, Proffitt, Puett, Reynolds, Rush, Smydth, Spann, Terrell, Thompson, Truelock, Vance, Willey, Wilson of M., Wines, and Mr. Speaker—59.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Baker, Boon, Bowles, Brown, Carr of L., Chapman, Chiles, Cline, Conaway, Cotton of P., Cotton of S., Devin, Earl, Eggleston, Flint, Glass, Helmer, Johnson of Monroe, Jones, Major, McClure, McCormick, Milroy, Monroe, Riley, Rose, Sands, Stewart, Townsend, Wilson of H., and Wyman—34.

So said bill was ordered to be engrossed for a third reading on tomorrow.

No. 139, to modify the plan of carrying on the public works, so as to secure their ultimate completion, and amendatory to An act to provide for a general system of Internal Improvements, approved Feb. 27, 1836, was taken up, when

Mr. Proffitt moved the strike it out from the first section and insert the following:

SEC. 2. The present Board of Internal Improvement is hereby dissolved: *Provided*, That the members of said Board shall, for the purpose of settling up their accounts with the State, and for other purposes connected with their present duties, remain in office until the first Monday of March next.

SEC. 3. That from and after the first Monday of March next, the State Board of Internal Improvement shall consist of five members, to be elected without reference to location.

SEC. 4. The members of the said Board shall be elected by a joint viva voce vote of both Houses of the General Assembly, *Provided*, That a majority of all the votes given shall elect, and that each member shall be voted for separately.

SEC. 5. The Board of Internal Improvements to be elected during the present session of the General Assembly, according to the provisions of this act, shall serve for the following terms, to wit: Two members shall serve three years; two members two years; and one member shall serve one year; all from and after the first day of March next. *Provided*, That the respective terms of service of the members elect shall be determined immediately after the ballotings by lots to be drawn by the Secretary of the Senate.

SEC. 6. Each member of the Board of Internal Improvement, who

shall be elected at any session of the General Assembly subsequent to the present session, shall hold his office for and during the term of three years, unless it be to fill a vacancy. *Provided*, That the Legislature may at any time remove a member of the Board of Internal Improvement by joint resolution.

SEC. 7. There shall be elected, in the same manner as members of the Board, a Chief Engineer of the State, who shall hold his office for the term of three years, subject, however, to removal by joint resolution.

SEC. 8. It is hereby made the duty of the Chief Engineer to nominate for the approval of the Board, all the necessary Resident and Assistant Engineers, and other officers, immediately connected with his branch of the public service.

SEC. 9. In case of a vacancy in the said Board, or in the office of said Principal Engineer, caused by death, or resignation or in any other way, at any time when the General Assembly is not in session, the vacancy shall be filled by appointment of the Governor; and such member or Chief Engineer so appointed, shall serve until the first Monday of March after the session of the General Assembly next following his appointment. But if at the time of the death or resignation of a member of the Board or of said Chief Engineer, the Legislature be in session, then the vacancy shall be filled by joint viva voce vote of both Houses.

SEC. 10. The State Board of Internal Improvement hereby constituted, shall discharge all the duties, and possess all the powers, and be subject to all the regulations and restrictions, required of, or conferred on the former State Board of Internal Improvement, except in as far as the same are modified or repealed in this act or in any other law.

SEC. 11. In addition to the powers already granted to the Board of Internal Improvements, it shall have power to compound any contract on any of the public works, and with the consent of any contractor or contractors, may rescind, transfer or compound any contract or contracts on any of the public works of the State.

SEC. 12. The members of the Board of Internal Improvement elected in accordance with this act, shall meet at Indianapolis, on the first Monday of March, 1839, and after taking the usual oath of office, and organizing by appointing one of their members as President of the Board shall enter on the discharge of their duties.

SEC. 13. The Board, in their general estimates of expenditure and resources shall never admit or countenance the expedient of borrowing additional capital, to pay interest on previous loans; and said Board shall, on every proposition submitted to their decision, record upon their journals said decision by ayes and noes.

SEC. 14. In order to provide means for the further prosecution of the Madison and Lafayette Railroad, the Commissioners are hereby authorized to borrow, (in addition to the ten millions authorized by the law of 1836) and the Board are hereby authorized to expend, at such time as it may deem necessary, the sum of five hundred thousand

dollars on that part of said road lying between Madison and Indianapolis.

SEC. 15. The Northern, or Erie and Michigan Canal is hereby declared to be on an equality with every other work embraced in the law of 1836; and the Board are hereby authorized to provide the means, and proceed to the completion of said work, according to the provisions of a joint resolution of the General Assembly, approved January 16, 1837.

SEC. 16. The Board of Internal Improvement shall not in any one year authorize the letting of work to exceed one million, five hundred thousand dollars.

SEC. 17. This act to take effect and be in force from and after its passage.

And before any action had thereon,

On motion, the House adjourned until nine o'clock A. M. Monday.

MONDAY, JANUARY 21, 1839.

House met pursuant to adjournment.

Mr. Field presented a petition from sundry citizens of Clark county, asking for a repeal of all laws granting license to grocery keepers;

Which was referred to the committee to which like petitions have been referred.

Mr. Wines presented the petition of Gabriel Swihart and others, on the subject of a State road;

Which was referred to the committee on roads.

Mr. Smydth presented the petition of Francis B. Yorum and others, for a change of the Carlisle and Crawfordsville State road;

Which was referred to a select committee of Messrs. Smydth, Chamber, and Allison.

Mr. Parker presented the petition of Christian Bixler and others, on the subject of a re-location of the Crawfordsville road;

Which was referred to the committee on canals and internal improvements.

Mr. Puett presented the petition of Eliphalet Allen and others, praying an additional justice of the peace in Montezuma;

Which was referred to a select committee of Messrs. Puett, Noel, and Dole.

Mr. Jones presented the petition of John Davis and others, praying for part of Warrick county to be attached to Spencer;

Which was referred to a select committee of Messrs. Jones, Graham, and Cotton of P.

Mr. McClure presented the petition of sundry citizens of Laporte county, praying a repeal of all laws in regard to licensing groceries;

Which was referred to the judiciary committee.

Mr. Jones presented the petition of sundry citizens of Spencer county, on the subject of a road therein named;

Which was referred to a select committee of Messrs. Jones, Cotton of P., and Sands.

Mr. Perine presented the petition of Jacob Baker and others, praying for the location of a State road therein named;

Referred to the committee on roads.

Mr. Hurst presented a remonstrance from sundry citizens of Clark county, against any alteration in said county and the re-location of the seat of justice;

Which was referred to the select committee to which petitions on that subject have been referred.

Wessrs. Parker and Wilson of H. were added to said committee.

Mr. Hurst, from the judiciary committee, reported bill

No. 248, To regulate the State Prison;

Which was read twice, the rule being suspended, and,

On motion of Mr. Perine,

Referred to the committee of the whole House, and made the order of the day for Thursday next, and two hundred copies ordered to be printed.

Mr. Brenton, from the same committee, made the following report, in which the House concurred:

MR. SPEAKER—

The judiciary committee, to which was referred two resolutions of this House, instructing them to inquire into the expediency of providing by law that any person having a claim against any decedent's estate for his personal labor or services, shall have preference of any other creditor of said estate, report that it is inexpedient to legislate on that subject.

Mr. Powell, from the committee on roads, made the following report:

MR. SPEAKER—

The committee on roads, to which was referred sundry resolutions directing inquiries to be made respecting sundry imperfections in the general road law, have had the same under consideration, and although the committee are not prepared to report in favor of the principles contained in said resolutions; yet the attention of the committee has been directed to the subject, and on examination have discovered some imperfections in said law, in consequence of which, the committee have directed me to report the following bill:

No. 249, To amend an act entitled An act regulating roads and highways;

Which was read, and passed to a second reading on to-morrow.

Mr. Owen, from the select committee on that subject, made the following report, in which the House concurred:

MR. SPEAKER—

The select committee, to which was referred the petitions of the citizens of Posey county on the subject of a township law, report, that on examining the law on that subject, they find that for the county of Posey there exists, at present, a law restricting to the townships, in certain cases, the jurisdiction of justices of the peace. In favor of this law, which the petitioners seem to have supposed repealed, your committee find five hundred and one petitioners; and against it they find, on three petitions, in all three hundred and seventy-five petitioners; leaving the number of one hundred and twenty-six petitioners more in favor of the law than opposed to it. In conformity with the apparent wishes of the majority of the citizens of Posey county, so far as the same can be judged from the petitions before them, your committee recommend that the existing law restricting the jurisdiction of justices to the townships remain in force; and consequently they consider all legislation on the subject unnecessary.

Mr. Terrell, from a select committee, reported bill

No. 250, To incorporate the town of Columbus in Bartholomew county;

Which was read twice, and referred to the committee on corporations.

Mr. Smydth, from a select committee, reported

No. 251, Relative to a State road therein named;

Which was read twice, the rule being suspended, and referred to the committee on roads.

Mr. Hunt, from a select committee, made the following report:

MR. SPEAKER—

It will be observed by a reference to the memorial referred to your committee, that the company was organized and elected its officers on the 10th day of September 1838, at which time it was agreed by them that they would, through the agency of their members, upon the floor of the legislature, ask the State to aid them in the construction of this work; thereby dispensing to them the same favors which have heretofore been granted to similar companies.

Your committee would claim the patronage of the State to this work upon two grounds, either of which, in the minds of the committee ought to be sufficient to induce the State to lend a helping hand.

1st. Upon the ground of equal justice, which should always characterize the State in its extension of favors and facilities to the different portions of the community out of which it is formed.

Indiana has embarked in a splendid system of internal improvement, for the faithful construction and completion the faith of the State is pledged; the necessary means for the construction of which system,

the people at large must be looked to, and that too without reference to their particular locality and connexion therewith; being the first, it is undoubtedly the duty of the State to act to the whole in good faith and upon the strictest rules of equality. And the committee would here beg leave to state, the portions of the State, which will be immediately benefited by the construction of this work, have received no portion of the said appropriations heretofore made for the purposes of internal improvements. In addition to this, the State has in some instances in times past, extended a helping hand to works which had not, to say the least, more claims upon her than this work, the friends of which have thus far in the progress of the system of internal improvements, borne the heat and burthen of the day without flinching, looking forward with unwavering confidence, that at the proper time they too would be remunerated and their just claims favorably listened to.

A second reason why the committee would urge the claims of this work upon the favorable consideration of the House is, that we owe it in good faith to the State of Ohio to finish the work as it is a construction of a work of great magnitude to that State, which is now fast being completed; a work which she undertook upon the implied faith of our State. That portion of it which lies within the bounds of Indiana, and over which she has no jurisdiction, and which if not completed, renders her work connecting with it comparatively useless; should in due time be completed by us. The Urbana, Troy and Greenville turnpike road in Ohio, is now almost completed up to the Indiana line, and will, if Indiana does not meet her there, stop at a dense forest at our line and consequently render the work of Ohio in a manner useless.

The committee have before observed that the object of Ohio in the construction of that work, was, by a connection with our system of internal improvement of Indiana at some suitable point to procure an outlet to our northern lakes.

From the connecting point of the aforesaid work of Ohio at our State line it is something over thirty miles to a point of connection with our works. The committee are firmly of the opinion that by a road of thirty miles in length the Urbana, Troy and Greenville turnpike road may be connected with the central canal of Indiana, at a cost something over \$100,000.

These being the facts of the case, the question arises what will the State of Indiana do? Will she suffer this important connection to fail for the want of a few thousand dollars? thereby rendering useless a work of great magnitude to her sister State? Or will she, according to her usual magnanimity, step forward and aid this company in the construction of this connecting link of a few miles, thereby redeeming her implied obligation to Ohio, and at the same time doing justice to so meritorious a portion of her own citizens as those who are connected with this important road.

The committee are fully aware of the pecuniary situation of the State at the present time and in view of that, have thought proper to

ask but a small amount of aid of the State; but hoping and believing that in her enlightened policy, and having in view the good of the people and the whole people of Indiana, she will without hesitation grant the small amount of aid asked for.

The committee have instructed me to report the following bill,

No. 152, to aid the Winchester turnpike company;

Which was read and passed to a second reading on to-morrow.

Mr. Morrow, from a select committee, reported bill

No. 253, to locate a State road from the Ohio State line, to Newport in Wayne county;

Which was read and passed to a second reading on to-morrow.

Mr. Lee, from a like committee reported bill

No. 254, to legalize the acts of Avery McGee, recorder of Brown county;

Which was read and passed to a second reading on to-morrow.

Mr. Judah offered for adoption the following resolution.

*Resolved*, That the Judiciary committee inquire and report to this House whether the legislature may, by law, authorize private property to be taken for public uses, without first by law providing a compensation; and also that said committee specially inquire whether, a promissory note, or bond, or contract for the payment of money, or for the performance of any thing whatsoever, be such private property as may be so taken, and also to inquire whether the State can rescind or transfer contracts on our public works, without the consent of the other contracting party;

Which was not adopted.

On motion of Mr. Perine,

*Resolved*, That the committee on ways and means be instructed to report a bill providing for the payment of interest on the debt now due, and for all future loans that may be made by the State.

Mr. Cutter offered for adoption the following resolution:

*Resolved*, That the modification committee be and they are hereby instructed to report to this House, on what part of the system of internal improvement they are desirous of stopping operation the present year; what contracts ought to be rescinded, and to what works or parts of works, they wish to transfer the contracts thus rescinded, and farther, if their proposition to modify the public works is not in fact to classify them and thereby give a decided advantage to some works over others that they otherwise would not possess;

Which was laid on the table.

On motion of Mr. Jones,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of providing by law, that in all cases where constables arrest defendants by virtue of a writ of *capias ad respondendum*, the constable may take bail for the appearance of said defendant.

Mr. Peaslee offered for adoption the following resolution, which was not adopted.

*Resolved*, That the committee on the Judiciary to whom the peti-

tion of certain females of Clark county on the subject of grocery licenses was referred; be instructed to report a bill providing that previous to any grocery license being granted, the person or persons wishing to procure license, shall procure at least twenty-four respectable freeholders of the town or township to personally appeal at some regular term of the court doing county business, and subscribe a written petition for granting a license to the person or persons making such application, and stating in such petition that they are well acquainted with the person applying for such license that he (or they, as the case may be,) is a person of good moral character and habits, and that they believe the public convenience and interest would be promoted by granting such license, and that said petitioners shall take and subscribe an oath that they verily believe the matters and things stated in said petition are true.

Mr. Morgan, from the committee, reports:

**MR. SPEAKER—**

The joint committee on enrolled bills report that they have this day compared the following engrossed bills of the House with the enrolled bills, and find the same correctly enrolled, viz:

No. 231—An act for the relief of Thomas Jones.

No. 60—An act to extend the time for the collection of the revenue of Laporte county.

No. 39—An act for the relief of the owners of certain forfeited lands and town lots in Clinton county.

No. 106—An act to amend an act entitled An act to amend an act, to incorporate the Buffalo and Mississippi railroad company, approved February 7th, 1838.

**MR. SPEAKER—**

The joint committee on enrolled bills report that they have this day compared the following engrossed bills and joint resolutions of the House with the enrolled bills and joint resolutions, and find the same correctly enrolled, viz:

No. 7—An act declaring a certain word a misprint.

No. 35—An act providing for the clearing out of Pride's creek in Pike county;

No. 38—An act to provide for a more uniform mode of doing township business in the county of Randolph;

No. 25—An act regulating the holding of Probate courts in Posey county;

No. 138—A memorial and joint resolution on the subject of a school for the education of the deaf and dumb;

No. 221—A joint resolution on the subject of a stage line;

No. 78—A memorial and joint resolution on the subject of the Cumberland road.

MR. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the enrolled with the engrossed bill of the House,

No. 215—entitled An act for the relief of George D. Prentice, George W. Wissinger and J. B. Moulton, and for other purposes; also, a joint resolution,

No. 63—entitled “a joint resolution to correct an error in copying the general appropriation bill of last session,” and find the same correctly enrolled.

The following message was received from the Senate by Mr. Test, Secretary thereof.

MR. SPEAKER :

The Senate have passed an engrossed bill of the House of Representatives,

No. 215—An act for the relief of George D. Prentice, George W. Wissinger and J. B. Moulton, and for other purposes, without amendment.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House,

No. 114, entitled an act concerning Knox county, without amendment.

Mr. Arnold introduced bill

No. 255, to repeal an act therein named.

Mr. Hanna,

No. 257, to authorize the sale of lot No. 7, square 46, in the town of Indianapolis.

Mr. Chiles,

No. 258, to amend an act entitled An act regulating tavern license.

Mr. Pettit,

No. 259, to amend an act entitled An act incorporating the Lafayette and Danville railroad company.

Mr. Wines,

No. 260, to amend an act regulating county business.

Mr. Owen,

No. 261, to incorporate the New Harmony working men's institute for mutual instruction.

Mr. Field,

No. 266, for the relief of Benoni P. Downes.

Mr. Owen,

No. 270, to establish certain State roads therein named in Posey county;

All of which were read and passed to a second reading on to-morrow.

Mr. Eldridge, bill

No. 256, to regulate the jurisdiction and duties of justices of the peace in Cass county.

Mr. Wyman,

No. 262, to incorporate the Anderson and Greenfield turnpike company.

Mr. McClure,

No. 267, to provide for the improvement of the Michigan road, north of Indianapolis.

Mr. Lane,

No. 269, relative to the owners of forfeited or condemned lands in the counties of Vanderburgh, Knox and Harrison.

Mr. Sands,

No. 271, to legalize the proceedings of the board of commissioners of Crawford county;

Which were each read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Matson,

No. 263, to incorporate the Laurel trading and manufacturing company;

Mr. Hubbard,

No. 265, to incorporate the Citizens' Basin company in Matson, Wayne county, Indiana.

Which were each read twice, the rule being suspended, and referred to the committee on corporations.

Mr. Hurst,

No. 264, To define and establish the lines of the county of Clark, and for the formation of a new county;

Which was read twice, the rule being suspended, and referred to a select committee of Messrs. Hurst, Parker, Bryant, Bright, and Spann.

Mr. McCormick,

No. 268, Appropriating 3 per cent. fund in Fountain county;

Which was read three times and passed, the rule being suspended.

Ordered, That the Senate be informed thereof.

The following message was received from the Senate by Mr. Test their Secretary:

**MR. SPEAKER—**

I am directed by the Senate, to inform the House of Representatives, that the Senate has passed engrossed bills of the House:

No. 106, Entitled An act to amend an act entitled An act to amend An act to incorporate the Buffalo and Mississippi Railroad Company, approved Feb. 7, 1838; and,

No. 225, Entitled An act to amend an act entitled An act to organize probate courts and defining the powers and duties of executors, administrators, and guardians.

No. 106, without amendment, and No. 225, with an amendment, in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills thereof:

No. 52—An act declaring certain names misprints;

No. 125—An act to amend an act entitled An act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians, approved Feb. 17, 1838;

In which also, the concurrence of the House is respectfully requested.

The House concurred in the amendment of the Senate made to bill No. 225, in said message mentioned.

Nos. 52 and 125, were each read and passed to a second reading on to-morrow.

The House went into the orders of the day.

Bills on their third reading—

No. 94, Memorial and joint resolution on the subject of a mail stage line between Indianapolis and Evansville;

Bills—

No. 187, To re-locate the seat of justice of Lagrange county;

No. 95, On the subject of locating the northern end of the Central canal;

No. 216, To legalize the report of James Hollaway, late collector of Tippecanoe county, and for other purposes;

No. 58, To amend an act entitled An act to authorize a change of venue in certain cases therein named;

No. 17, For the relief of the heirs of William Huddleton and others;

No. 205, To locate a State road in Allen county;

No. 112, To locate a State road therein named;

No. 71, Relief of Mary Jane Peck;

No. 140, To locate a State road in Dearborn county;

No. 141, Relative to the Supreme Judges of the State;

No. 104, Relative to the manuscript journals;

No. 114, Concerning Knox county;

No. 115, To change the names of certain persons therein named;

No. 116, To authorize John Davis to convey certain property therein named;

No. 117, For the relief of William W. Wilson;

No. 120, Concerning the Logansport and Chicago State road;

No. 124, To amend an act entitled An act establishing State roads, and for other purposes;

No. 128, To amend An act relating to county seminaries;

No. 133, Relating to a lunatic asylum in Fayette county;

Were each read a third time and passed.

Ordered, That the Senate be informed thereof.

On motion, House adjourned,

*Two o'clock, P. M.*

House met,

On motion of Mr. Kilgore, bill

No. 41, to amend an act entitled An act dividing the State into Judicial circuits, and fixing the times of holding courts therein,

Was taken from the committee of the whole, and placed in the orders of the day.

No. 139, to modify the plan of carrying on the public works so as to secure their ultimate completion, and amendatory to an act entitled An act to provide for a general system of internal improvement, approved February 27, 1836,

Mr. Owen moved to amend the amendment offered by Mr. Proffitt on yesterday by striking the same out from the second section thereof, and inserting the following:

SEC. 3. That from and after the first Monday of March next, the the State Board of Internal Improvement shall consist of three members, to be selected without reference to location.

SEC. 4. The members of the said board shall be elected by joint viva voce vote of both Houses of the General Assembly: *Provided*, That a majority of all the votes given shall elect.

SEC. 5. The Board of Internal Improvement to be elected during the present session of the General Assembly, according to the provisions of this act, shall serve for the following terms, to-wit: one member, shall serve for three years; one member shall serve for two years; and one member shall serve for one year; all from and after the first day of March next. And each member of the Board of Internal Improvement, who shall be elected at any session of the General Assembly, subsequent to the present session, shall hold his office for and during the term of three years, unless it be to fill a vacancy: *Provided*, That the respective terms of service of the members elect shall be determined immediately after the election by lots, to be drawn by the Secretary of the Senate and the Clerk of the House: *And provided*, That the legislature may at any time, remove a member of the board by joint resolution.

SEC. 6. That there shall be a Chief Engineer of the State, who shall be elected in the same manner as the members of the board, and shall hold his office for three years; subject, however, to removal by joint resolution.—And it shall be his duty to nominate for the approval of the board, all the necessary Resident and Assistant Engineers and other officers immediately connected with his branch of the public service.

SEC. 7. In case of a vacancy in said board or of said Chief Engineer, caused by death or resignation, or in any other way, at any time when the general Assembly is not in session, the vacancy shall be filled by appointment of the Governor; and such member or Chief Engineer so appointed, shall serve until the first Monday of March,

after the session of the General Assembly next following his appointment. But if, at the time of any such vacancy occurring, the legislature be in session, then the vacancy shall be filled by joint viva voce vote of both Houses.

SEC. 8. The State Board of Internal Improvement hereby constituted shall discharge all the duties and possess all the powers, and be subject to all the regulations and restrictions required of, or conferred on, the former State Board of Improvement, except in as far as the same are modified or repealed in this act, or in any other law.

SEC. 9. The members of the Board of Internal Improvement shall, at all times, continue in office, until their successors are appointed and qualified.

SEC. 10. The said Board shall organize the Engineer Department for the superintendence of the public works; and shall appoint all other necessary officers or agents, such as disbursing agents, collectors of tolls, &c. and shall certify the same to the Governor, Auditor, and Treasurer, and the said board shall establish rates of wages for Engineers, and all other officers or agents appointed by them under this act: *Provided*, That in the appointment and payment of such officers and agents, the said board shall have reference, first to the securing of the faithful and efficient discharge of the duties assigned to the said officers and agents; and, secondly, to the strictest economy in wages and all other expenses, consistent with the true interests of the State, and the vigorous prosecution of the public works: *Provided further*, That the number of disbursing agents shall not exceed three.

SEC. 11. The members of the Board shall meet at Indianapolis on the first Monday of March, 1839; and after taking the usual oath of office and organizing by appointing one of their number President of the Board, shall enter on the discharge of their duties.

SEC. 12. It shall be the duty of the State Board of Internal Improvement to assume the General control and direction of all the public works of the State; to decide how rapidly they should progress; to determine the manner and time of placing the various works under contract; and also the particular portion and amount of work to be let out: *Provided*, That in all such matters, they shall be governed by the general principles herein after prescribed for their guidance.

SEC. 13. In carrying steadily out to their final completion the public works of this State, the Board, after taking a careful review of the probable ultimate expense of the entire system and of each work; the resources of the State; the condition of the money market, and the market price of Indiana State Bonds, shall at their first meeting, (or as soon thereafter as the necessary facts and estimates can be obtained and examined by them,) determine the amount of money which may wisely and beneficially be expended annually on the public works of Indiana, without affecting injuriously, the agricultural interest of the State by oppressive taxation or by inducing a serious competition in the price of farming labor. *Provided*, however, that the expenditures for the public works during the year 1839 shall not exceed one million and three quarters of dollars; and provided the expenditure

thereafter shall not exceed one million and a half of dollars annually, including every expense whatever, connected with Internal Improvements; unless such annual appropriations be expressly increased by law hereafter; and provided further, that the Board, in their general estimates of expenditure and resources, shall never admit or countenance the ruinous expedient of continuing to borrow additional capital to pay interest on previous loans.

Sec. 14. In deciding which work or portions of work, shall be put under contract, and which shall be first urged to completion, it shall be the duty of the Board, after carefully examining the subject in all its bearings, to concentrate future expenditures on such works, and portions of works as, in their opinion, will best subserve the general convenience of the citizens and conduce to the agricultural and commercial improvement of the State; and, as will be likely to yield a revenue to the State at the earliest day, so as to relieve the people from taxation, without jeopardizing the final completion of all the works provided for in the bill to which this is amendatory. And in furtherance of the same object, the Board shall, wherever they are of opinion that the interests of the State demand it, by and with the consent of the contractors, cancel or compound, or transfer contracts from one portion of a work to another, or from one work to another, in cases where they consider the expenditure, for the present, an unprofitable outlay of public funds. And in all cases, in which contracts may be rescinded by the provisions of this act, the Board shall offer to the contractors in question other contracts on such portions of the public works as are to be prosecuted, at such prices as a competent engineer may consider as profitable and advantageous to the contractor, as the contracts that have been rescinded, taking into view the expense and inconvenience of transferring his forces, if he shall have commenced operations.

Sec. 15. To enable the said Board to carry out the general provisions of the preceding section with a sole and strict regard to the general welfare of the State, the proceeds of any loans hereafter made, or any funds now on hand, may be expended, at the option of the Board, on any work or part of a work embraced in the general system of Internal Improvement. *Provided, nevertheless,* that the annual expenditure on the public works shall never exceed the amount hereinbefore provided to be annually expended.

Sec. 16. The Board of Internal Improvement, or at least a majority of their number, shall attend all lettings of public works and award all contracts on the same.

Sec. 17. The votes of the Board shall always be by ayes and noes, and recorded in their Journal.

Sec. 18. The annual report of the Board to the Legislature shall be made at the earliest practical period of the session, but not later than the third Monday of December, and shall each year contain a general statement of the entire amount theretofore expended for Internal Improvement; an estimate of work yet to be done; the amount

of unfinished contracts, the amount of new contracts during the year last past; the balance of interest, if any, remaining unpaid or unprovided for after deducting from the total amount of interest paid out by the State, the revenue from any source applicable to the liquidation of said interest; also furnishing a full exhibit of the operations during the year and containing a statement of the names of all Agents and officers by them appointed, the kind of service required of them, together with the amount of their compensation; and containing further such suggestions in regard to the general policy of the State in matters connected with the management and prosecution of the works, and the ways and means required to complete them, as to the Board may seem important and worthy the consideration of the Legislature.

SEC. 19. It shall be the duty of the Engineer department to make all necessary surveys, to locate and superintend the execution of the various public works, under the general orders of the Board; to keep the accounts of all the work performed on the several sections and to determine the sums which may be due to each contractor according to the terms of the contract at the completion of his job. The resident Engineer or other Engineer authorized by the Board, shall make out accurate estimates once in six weeks or two months, as the Board may direct, of the value of work performed by each contractor, and shall certify the same to the Board or by their disbursing agent. The Chief Engineer of the State shall have the immediate direction and control of the Engineer corps, subject however to the general orders of the Board, shall direct the necessary surveys on each line and shall examine and approve all locations before the lines are put under contract; and shall prepare and furnish to the several lines, plans of all the mechanical structures, together with specifications of the manner of construction, so as to preserve system and uniformity of plan throughout the State.

SEC. 20. The said Agents shall, at the several times where the resident Engineer is required, as hereinafter provided, to make out an estimate of the work performed by contractors, attend on the various lines within his district for the purpose of making payments to said contractors and to other persons having claims against the State on account of Internal Improvements; such payments to be made in the manner hereinafter specified: *Provided*, That each of said disbursing Agents, before entering on the duties of his office shall enter into bond to the State, to be approved by the Board, to the amount of ten thousand dollars conditioned for the faithful discharge of the duties of his office.

SEC. 21. All disbursements of money on account of the construction and superintendence of the public works, shall be made by the Board of Internal Improvement through the disbursing Agent, in the following manner, to wit: at intervals of six weeks or two months, as may be directed by the Board, payments shall be made by the disbursing Agent to contractors on the certified estimate of the resident Engineer as hereinafter provided; such payments to

be made by check on the officer or Agent holding the State funds; which check shall be accompanied by the estimate of the Engineer on which it is based and shall be for ninety per cent only, of the amount of said estimate until the job shall be certified by the Engineer to be fully completed, when the check shall be for the total balance due on said contract at contract prices; *Provided*, That all such checks shall be endorsed with the certificate of registry signed by the same Engineer who may have signed the estimate. And all checks drawn by said disbursing Agent in favor of any member of the Board, Engineer or other officer, for salary or wages, shall state on its face the nature and term of service for which it is to be issued and shall in all cases be in accordance with the rates of pay established by the Board or by law. And in cases where it may be necessary to place a small amount of funds in the hands of any officer of the State in advance, as for the expenses of a locating party or other minor expenses incidental to the service, such advance payment shall be made, as may be hereafter provided by law; or in default of an express law, then by check of the disbursing Agent in his own favor, accompanied with the certificate of a member of the Board, that such advance payment is necessary to meet certain contingent expenses. *Provided however*, That the aggregate amount of such advance payments to a disbursing Agent, shall at no time exceed one thousand dollars, until a full and satisfactory settlement for the same be made with the Board of Internal Improvement by returning the proper vouchers. *And provided*, That every disbursing Agent shall settle with the Board at least quarterly, by forwarding to the office of the Board an abstract of all payments made, each payment to be supported by triplicate vouchers agreeable to a form to be prescribed by the Board; *And provided further*, That all accounts of payments for construction, for superintendence and for damages shall be reported by him and shall be kept distinct from each other; and likewise that the accounts be so kept as to show at any time the total disbursements on any line of work, separate from other lines. *Provided also*, That the Board shall furnish to the proper officer a list of all rates of compensation to Engineers and all other officers in their service, so as to operate as a check on the drafts of the disbursing Agents for wages or salary.

**SEC. 22.** The disbursing Agent and the resident Engineer shall each keep a full and accurate register of all estimates and drafts for work done on each section, which registers shall frequently be compared with each other.

**SEC. 23.** In case the disbursing Agent shall have reason to believe that there is collusion between the contractors and the resident Engineer in regard to any estimate that may be presented to him, he may, at his option, suspend payments upon the same until he apprise the Board of the facts, which it shall be his duty immediately to do.

**SEC. 24.** It shall be the duty of the officer or Agent holding the State funds to forward every six weeks or two months to the Board a

copy of the Register of payments made by him on all checks or drafts of the disbursing Agent.

SEC. 25. The Board shall make no extra allowance to contractors over and above the sum which may be estimated by the resident Engineer, as due under a fair and just construction of the contract, *Provided*, That, at every letting of the public works it shall be the duty of the Board to notify all bidders of the same.

SEC. 26. This act shall be taken and considered a public act and shall be favorably and liberally construed for all beneficial purposes and shall take effect and be in force from and after its passage.

Mr. Judah moved the previous question, which was seconded by a majority of the House.

The question then was, Shall the main question now be put? and the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Alley, Allison, Arnold, Baker, Boon, Bowles, Brenton, Brown, Bryant, Bryce, Carr of J., Chiles, Clymer, Conaway, Cotton of P., Cotton of S., Dole, Earl, Egbert, Eggleston, Field, Flint, Glass, Gregory, Helmer, Hendricks, Herriman, Hurst, Johnson of Marion, Jones, Judah, Kenton, Kilgore, Lewis, Major, Matson, McCarty, McClure, McNary, Milroy Monroe, Morgan, Nelson, Peaslee, Perine, Pettit, Powell, Proffitt, Reynolds, Riley, Rose, Rush, Sands, Thompson, Trueleck, Wilson of M., and Wyman—58.

*Those who voted in the negative were*

Messrs. Albertson, Bright, Carr of L., Champer, Chapman, Cline, Cooper, Cutter, Devin, Eldridge, Graham, Healey, Hubbard, Hunt, Jackson, Kinney, Lane, Lee, Marshall, Mason, McCormick, Morrow, Noel, Owen, Parker, Puett, Smydth, Spann, Terrell, Townsend, Vance, Willey, Williams, Wilson of H., Wiues and Mr. Speaker—36.

So it was agreed to put the main question now, which was, Shall the bill be engrossed?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Brown, Bryce, Carr of J., Carr of L., Cline, Clymer, Conaway, Cotton of P., Cotton of S., Dole, Earl, Eggleston, Eldridge, Field, Flint, Glass, Hendricks, Herriman, Johnson of Marion, Jones, Judah, Kilgore, Kinney, Kenton, Lewis, Major, McCarty, McClure, McNary, Milroy Morgan, Monroe, Morrow, Nelson, Owen, Peaslee, Perine, Pettit, Powell, Riley, Rose, Rush, Sands, Spann, Truelock, Wilson of H., and Wilson of M.—56.

*Those who voted in the negative were*

Messrs. Allison, Bright, Bryant, Champer, Chapman, Chiles, Cogswell, Cooper, Cutter, Devin, Egbert, Graham, Gregory, Hanna, Healey, Helmer, Hubbard, Hurst, Hunt, Jackson, Johnson of Monroe, Lane, Lee, Marshall, Mason, Matson, McCormick, Noel Parker, Proffitt Puett, Reynolds, Smydth, Stewart, Terrell, Thompson Townsend, Vance, Willey, Williams, Wines Wyman, and Mr. Speaker—43.

Mr. Champer moved to refer said bill to a select committee,  
And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Brenton, Bryant, Bryce, Bright, Carr of L., Champer, Chapman, Clymer, Cogswell, Cooper, Cutter, Devin, Egbert, Eldridge, Field, Flint, Graham, Gregory, Hanna, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Kenton, Kilgore, Kinney, Lee, Marshall, Mason, Matson, McClure, McCarty, McCormick, Morgan, Morrow, Noel, Owen, Parker, Proffitt, Puett, Reynolds, Rose, Smydth, Spann, Stewart, Terrell, Thompson, Townsend, Vance, Willey, Williams, Wilson of M., Wines, Wyman and Mr. Speaker—62.

*And those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brown, Carr of J., Chiles, Cline, Conaway, Cotton of P., Cotton of S., Dole, Earl, Eggleston, Glass, Jones, Judah, Lane, Lewis, Major, McNary, Milroy, Monroe, Nelson, Peaslee, Perine, Pettit, Powell, Riley, Rush, Sands, Truelock, and Wilson of H.—36.

So it was decided to refer said bill to a select committee.

Mr. Boon moved to instruct said committee to strike out said bill from the enacting clause, and insert in lieu thereof, bill No. 237, introduced by Mr. Noel some days ago.

Mr. Proffitt moved to amend said instructions by inserting the amendment proposed by him on yesterday to said bill.

Mr. Peaslee moved to amend the instructions proposed by Mr. Proffitt, by striking out the word "five," wherever it occurred and inserting in lieu thereof the word "three," and the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Baker, Chapman, Cline, Conaway, Cotton of P., Cotton of S., Devin, Dole, Earl, Eggleston, Field, Glass, Gregory, Hanna, Hunt, Hurst, Johnson of Marion, Jones, Judah, Kenton, Lewis, Matson, McNary, Milroy, Monroe, Morgan, Morrow,

Nelson, Noel, Owen, Peaslee, Perine, Pettit, Powell, Rose, Rush, Sands, Townsend, Truelock, and Wilson of H.—43.

*Those who voted in the negative were*

Messrs. Allison, Arnold, Boon, Bowles, Brenton, Bright, Bryant, Bryce, Carr of J., Carr of L., Champer, Chiles, Clymer, Cogswell, Cooper, Cutter, Egbert, Eldridge, Flint, Graham, Healey, Helmer, Hendricks, Herriman, Hubbard, Jackson, Johnson of Monroe, Kilgore, Kinney, Lane, Lee, Major, Marshall, Mason, McCarty, McClure, Parker, Proffitt, Puett, Reynolds, Riley, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, Wyman and Mr. Speaker—54.

So said proposed instructions were not so amended.

The question then recurred on Mr. Proffitt's amendment to the instruction proposed by Mr. Boon;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Arnold, Brenton, Bright, Bryant, Champer, Chiles, Clymer, Cogswell, Cooper, Cutter, Egbert, Eldridge, Flint, Graham, Hanna, Healey, Helmer, Herriman, Hubbard, Jackson, Johnson of Monroe, Johnson of Marion, Kilgore, Kinney, Lane, Lee, Marshall, Mason, Matson, McCarty, McClure, McCormick, Parker, Proffitt, Reynolds, Riley, Smydth, Spann, Terrell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, Wyman and Mr. Speaker—49.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Baker, Boon, Bowles, Brown, Bryce, Carr of J., Carr of L., Chapman, Cline, Conaway, Cotton of P., Cotton of S., Devin, Dole, Earl, Eggleston, Field, Glass, Gregory, Hendricks, Hunt, Hurst, Jones, Judah, Kenton, Lewis, Major, McNary, Milroy, Morgan, Morrow, Monroe, Nelson, Noel, Owen, Peaslee, Powell, Puett, Rose, Rush, Sands, Stewart, Townsend, Truelock, and Wilson of H.—49.

Mr. Cline moved to reconsider the vote just taken;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Brenton, Bright, Bryant, Carr of L., Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Cotton of P., Cutter, Dole, Egbert, Eldridge, Flint, Graham, Hanna, Healey, Helmer, Herriman, Hubbard, Jackson, Johnson of Marion, Johnson of Monroe, Kilgore, Kinney, Lane, Lee, Marshall, Mason, Matson, McCarty, McClure, McCormick, Parker, Proffitt, Reynolds, Riley, Smydth, Spann, Ter-

rell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—51.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brown, Bryce, Carr of J., Chapman, Conaway, Cotton of S., Devin, Earl, Eggleston, Field, Glass, Gregory, Hendricks, Hunt, Hurst, Jones, Judah, Kenton, Lewis, Major, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Peaslee, Perine, Pettit, Powell, Puett, Rose, Rush, Sands, Stewart, Townsend, Truelock, and Wilson of H.—47.

So said vote was re-considered;

And the question again occurred on Mr. Proffitt's amendment.

The ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Brenton, Bright, Bryant, Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Cutter, Egbert, Eldridge, Flint, Graham, Hanna, Healey, Helmer, Herriman, Hubbard, Jackson, Johnson of Marion, Johnson of Monroe, Kilgore, Kinney, Lane, Lee, Marshall, Mason, Matson, McCarty, McClure, McCormick, Parker, Proffitt, Reynolds, Riley, Smydth, Spann, Terrell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—48.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brown, Bryce, Carr of J., Carr of L., Chapman, Conaway, Cotton of P., Cotton of S., Devin, Dole, Earl, Eggleston, Field, Glass, Gregory, Hendricks, Hunt, Hurst, Jones, Judah, Kenton, Lewis, Major, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Peaslee, Perine, Pettit, Powell, Puett, Rose, Rush, Sands, Stewart, Townsend, Truelock, and Wilson of H.—50.

So said amendment did not prevail.

Mr. Herriman moved to re-consider the vote referring said bill to a select committee;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Brenton, Champer, Chiles, Cline, Clymer, Cogswell, Cutter, Flint, Graham, Herriman, Hurst, Jackson, Judah, Kilgore, Lane, Major, Marshall, McClure, McCormick, Peaslee, Proffitt, Smydth, Thompson, Willey, Williams, and Wyman—27.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Dole, Earl, Egbert, Eggleston, Eldridge, Field, Glass, Gregory, Hanna, Healey, Helmer, Hendricks, Hubbard, Hunt, Johnson of Marion, Johnson of Monroe, Jones, Kenton, Kinney, Lee, Lewis, Mason, Matson, McCarty, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Parker, Perine, Pettit, Powell, Puett, Reynolds, Riley, Rose, Rush, Sands, Spann, Stewart, Terrell, Townsend, Truelock, Vance, Wilson of H., Wilson of M., Wines, and Mr. Speaker—71.

So said vote was not re-considered.

On motion, the House adjourned.

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TUESDAY, JANUARY 22, 1839.

House met pursuant to adjournment.

Mr. Hendricks presented to the petition of John T. Higgins and others, to vacate a state road therein named;

Which was referred to the committee on roads.

Mr. Eggleston presented the petition of sundry citizens of Dearborn county, praying a change in the law granting license to grocers;

Which was read and referred to the committee on the judiciary.

Mr. Field presented the petition of Samuel Peck, praying for relief in a certain case therein named;

Which was referred to the committee on claims.

Mr. Wines presented the petition of Jurisa Jane Cossett, to convey real estate;

Referred to a select committee of Messrs. Wines, Kilgore, and Wilson of M.

Mr. Powell presented the petition of sundry citizens of Shelby county, on the subject of a turnpike road;

Which was referred to a select committee on like petitions.

Mr. McCormick presented the petition of Joshua Walker, praying for relief;

Which was referred to the committee on the affairs of the town of Indianapolis.

Mr. Kenton presented the petition of sundry citizens of Pulaski county, praying for the organization of said county:

Which was referred to a select committee of Messrs. Kenton, Eldridge, and Milroy.

Also, the petition of George D. Washburn and others, praying for the location of certain state roads;

Which was referred to the select committee as above.

Mr. Sands presented the petition of sundry citizens of Crawford county, praying for the location of a state road therein named;

Which was referred to the select committee to which like petitions have been referred;

Mr. Mason from the joint committee on the canal fund made the following report:

MR. SPEAKER—

The committee on the canal fund have in part discharged the duty assigned them. The committee find, from the examinations that have been made of the works of the fund commissioners, that to make a report in detail of the receipts and expenditures of the canal funds would be a work of three or four weeks. The committee therefore ask to be excused from making such detailed report, and request that they be permitted to report only the amount of bonds sold for internal improvement, the premium for which the same have been sold, the amount of interest that has been paid on said bonds, together with the amount of money that has been expended upon the public works for contracts and contingencies, and the matter relating to disbursements by the State Bank of Indiana.

Which was, on motion of Mr. Gregory, laid on the table.

House now went into the orders of the day and took up bills on their third reading.

No. 55, to vacate part the the town of Lebanon in Jackson county;

No. 77, to sell real estate therein named, and for other purposes;

No. 177, authorizing the purchase of suitable residence for the Executive of state;

No. 127, to incorporate certain turnpike companies therein named;

No. 167, to amend an act entitled An act to provide for the election of county and township officers;

No. 170, to provide for the election of a justice of the peace in Mill Grove, Owen county;

No. 4 of the Senate, to incorporate a steam mill company in the town of Paris;

No. 173, locating a state road in Dearborn county;

No. 142, to incorporate the Marion Blues;

No. 109, incorporating the Dearborn county seminary;

No. 130, to incorporate the Wilmington and Aurora insurance company;

(93) No. 18, to incorporate the Governor's Guards of Evansville;

No. 183, to alter the boundary lines between the counties of Carroll and White.

No. 147, To legalize the sale of a school section in Scott county;

No. 197, To re-locate a State road from Harrison to Lawrenceburgh, in Dearborn county;

No. 134, To amend an act entitled An act to extend the Michigan and Erie canal;

No. 267, To provide relief for the owners of forfeited and condemned lands in the counties of Knox, Vanderburgh, and Harrison;

No. 256, Regulating the jurisdiction and duties of justices of the peace in Cass county;

Were each read a third time and passed.

*Ordered*, That the Senate be informed thereof.

No. 52, To amend an act entitled An act for the prevention of frauds and perjuries;

Mr. Cooper moved to refer said bill to the committee on the judiciary, with instructions to amend it so as not to affect deeds;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Carr of J., Carr of L., Chapman, Cline, Clymer, Cooper, Cotton of P., Earl, Eldridge, Field, Flint, Graham, Gregory, Healey, Hurst, Jones, Kilgore, Lee, Matson, McCarty, McCormick, Milroy, Morgan, Morrow, Nelson, Owen, Powell, Proffitt, Puett, Reynolds, Rush, Sands, Smydth, Spann, Stewart, Townsend, Vance, and Wilson of H.—40.

*Those who voted in the negative were*

Messrs. Anderson, Arnold, Baker, Boon, Bowles, Brenton, Bright, Brown, Bryant, Bryce, Champer, Chiles, Cogswell, Cotton of S., Cutter, Devin, Dole, Egbert, Eggleston, Glass, Helmer, Hendricks, Heriman, Hubbard, Hunt, Jackson, Johnson of Marion, Judah, Kenton, Lane, Lewis, Major, Marshall, Mason, McClure, McNary, Monroe, Parker, Peaslee, Perine, Riley, Rose, Terrell, Thompson, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—50.

So said bill was not referred.

Mr. Puett moved to refer said bill to a select committee, with instructions "that in no event shall this act be so construed as to give priority over a deed in fee simple; and further, the mortgagee shall have ten days to record the same, and shall not apply to any mortgage heretofore made."

Mr. Proffitt moved to indefinitely postpone said bill;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Boon, Bowles, Brown, Carr of L., Cline, Clymer, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Earl, Eggleston, Eldridge, Field, Flint, Graham, Gregory, Hanna, Healey, Hendricks, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Jones, Kilgore, Lane, Lee, Lewis, Major, Matson Mc-

Carty, McCormick, Milroy, Morgan, Morrow, Nelson, Noel, Owen, Powell, Proffitt, Puett, Reynolds, Rush, Sands, Smydth, Spann, Stewart, Townsend, Truclock, Vance, and Wilson of M.—58.

*Those who voted in the negative were*

Messrs. Anderson, Arnold, Baker, Brenton, Bright, Bryant, Bryce, Carr of J., Champer, Chapman, Chiles, Egbert, Glass, Herriman, Johnson of Monroe, Judah, Kenton, Kinney, Marshall, Mason, McClure, McNary, Monroe, Peaslee, Perine, Riley, Rose, Terrell, Thompson, Willey, Williams, Wines Wyman, and Mr. Speaker—35.

So said bill was indefinitely postponed.

No. 238, To provide for the safe keeping of Martin Jackson an insane person,

Was read and referred to a select committee of Messrs. Arnold, Owen, and Eggleston, with instructions to report a general law embracing the provisions of said bill.

No. 72, To prevent the obstructing and injury of the Cumberland road,

Was referred to a select committee of Messrs Kinney, Brenton, and Hubbard.

No. 141, For the relief of John Randolph Fischli,

Was referred to the committee on the judiciary.

No. 54, For the improvement of the Michigan road north of Napoleon,

No. 267, To provide for the Michigan road north of Indianapolis;

Were both referred to a select committee of Messrs. Peaslee, McClure, Wilson of M., Eldridge, Hanna, Hendricks, Arnold, Eggleston, Glass, and Nelson.

No. 65, To construct the Madison and Lafayette railroad, was,

On motion of Mr. Kilgore,

Laid on the table, together with the instructions proposed by Mr. McClure.

House adjourned.

*Two o'clock, P. M.*

House met.

Mr. Wines, from a select committee, reported bill

No. 272, to authorize Louisa Jane Cosset to convey real estate;

Which was read three times and passed, the rule being suspended.

*Ordered*, That the Senate be informed thereof.

Mr. Noel reports Bill No. 65.

Mr. McClure moved to refer said bill to a select committee, with the following instructions:

I move to refer the bill to a select committee, with instructions to strike out, and report a bill appropriating the sum of six hundred

thousand dollars, to be expended in the year 1839, as follows, to-wit: The sum of three hundred thousand dollars on the Madison and Lafayette railroad, one hundred thousand dollars of which may be expended on said road between Indianapolis and Crawfordsville, if the Board of Internal Improvement are of opinion that the interest of the State will be promoted thereby; two hundred and fifty thousand dollars, to be expended on the Michigan road north of Napoleon; fifty thousand dollars of which may be expended between Indianapolis and Napoleon, and twenty thousand dollars between Michigan city in the county of Laporte and the S. Bend in St. Joseph county; said improvement on said road to be made exclusively with an eye to the interest of the State; to the construction of the East fork of the Whitewater canal and the connection between the Whitewater and Central canal, the sum of forty thousand dollars; the aforesaid sums of money to be expended under the direction of the Board of Internal Improvement; to a survey of a McAdamized or railroad from New-Albany to a point on the Wabash river opposite Mount Carmel, the sum of three thousand dollars; to be expended on the Vevay and Napoleon turnpike road, the sum of three thousand dollars; to be expended on the State road leading from Monticello, in the direction of Michigan city, in the county of White, one thousand dollars; on the Yellow river road between the county seat of Marshall county and the Kankakee bridge, one thousand dollars; on the Indianapolis and Brookville State road in the county of Rush, two thousand dollars.

**MR. SPEAKER—**

The committee on enrolled bills report, that they have this day compared the enrolled with the following engrossed bills of the House, viz:

No. 222—A memorial and joint resolution on the subject of the New Albany and Mount Carmel Railroad Company;

No. 10—An act for the relief of Aaron Rawlings;

No. 24—An act authorizing the sale of certain school lands in Sullivan county;

No. 6—An act amendatory of an act entitled An act to amend an act entitled An act to provide for a general system of internal improvement approved Jan. 27, 1836, approved Feb. 17, 1838.

No. 15—An act to repeal a part of an act entitled An act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence, and Greene, approved February 1st, 1834;

No. 45—An act to change the mode of doing county business in the county of Hendricks;

No. 50—An act to change the mode of electing county commissioners in Spencer county; and

No. 39—An act appointing and authorizing Isaac Coleman as a commissioner, to make deeds on behalf of George Hollingsworth's heirs, to the purchasers of lots in the town of Attica;

And find the same correctly enrolled.

House now proceeded to consider bill,

No. 139, To modify the plan of carrying on the public works, so as to secure their ultimate completion, &c.

Mr. Owen moved to amend the motion pending to instruct the select committee, as follows:

SEC. 15. That to enable the Board of Internal Improvement to carry out, during the current year, the general provisions of the preceding section, untrammelled by mere local interests, and with a sole and strict regard to the welfare of the State, the Fund Commissioners or other person or persons authorized to execute and sell State bonds are hereby authorized to sell the same to any amount not exceeding the sum to which the annual expenditure for the year 1839 is by this act limited, from time to time, as the board may direct; and on any works or parts of works embraced in the general system of internal improvement: *Provided*, That nothing in this section contained shall be construed to repeal any specific appropriations on the various public works.

Mr. Champer moved to amend said instructions as follows:

*Provided further*, That said board shall not suspend operations on any of the various public works;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Carr of L., Champer, Chiles, Cogswell, Cooper, Cutter, Egbert, Flint, Graham, Helmer, Jackson, Kilgore, Lane, Lee, Matson, Parker, Proffit, Reynolds, Smydth, Spann, Stewart, Terrell, Townsend, Willey, Williams, Wyman, and Mr. Speaker—29.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Brown, Bryant, Carr of J., Chapman, Cline, Clyner, Conaway, Cotton of P., Cotton of S., Devin, Dole, Dumont, Earl, Eggleston, Eldridge, Field, Glass, Gregory, Hanna, Hendricks, Herriman, Hubbard, Hunt, Hurst, Johnson of Marion, Jones, Judah, Kenton, Kinney, Lewis, Marshall Mason, Matson, McCarty, McClure, McCormick, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Peaslee, Perine, Powell, Puett, Riley, Rose, Rush, Sands, Thompson, Truelock, Vance, Wilson of H., and Wilson of M.—65.

So said amendment was not agreed to.

Mr. McClure moved to amend the instructions as follows:

Strike out ballot where it occurs in said bill and insert *viva voce*, and alter the number of the sections after the 14th.

On motion of Mr. Bryce,

Said instructions and pending amendment were laid on the table.

Mr. Kinney moved to instruct said committee as follows:

To enable the board constituted to complete all the works embraced in the act entitled An act to provide for a general system of internal

improvements, approved January 27th, 1836; and the Erie and Michigan canal as soon as the interests of the State require, there is hereby appropriated, in addition to the ten millions appropriated in the act aforesaid, a sum sufficient to complete all said works, to be obtained by the fund commissioners or other authorised persons, as other funds are obtained; and the faith of the State is hereby pledged, that the money hereby appropriated, and the money heretofore appropriated, shall be applied to the completion of said works: *Provided*, That in any one year there shall not be expended in the construction of said works, including all incidental expenses, more than one million seven hundred and fifty thousand dollars, *And provided also*, that the specific appropriations made by the act aforesaid to the different works named therein, and the faith of the State for the application thereof, shall be in no way affected by any thing in this act contained, nor shall any sum appropriated to one of the works named in the act aforesaid, be applied to the construction of any other of said works. And it is hereby enacted and declared as a compact between the various local interests of the State, and to preserve our credit abroad, that the Board of Internal Improvement shall steadily progress to the completion of all the works mentioned in the act aforesaid, as part of the yearly appropriation of seventeen hundred and fifty thousand dollars, including all contingent expenses, will enable them to do.

Mr. Judah moved to lay said proposed instructions on the table.  
And the ayes and noes being requested thereon.

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brown, Bryce, Carr of J., Carr of L., Chapman, Cline, Clymer, Conway, Cotton of P., Cotton of S., Devin, Earl, Eggleston, Field, Glass, Gregory, Hanna, Hendricks, Hurst, Jones, Judah, Kenton, Lewis, Major, McCarty, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Peaslee, Perine, Powell, Riley, Rose, Rush, Sands; Townsend, Truelock, Wilson of H., Wilson of M. and Wines—53.

*Those who voted in the negative were*

Messrs. Allison, Brenton, Bright, Bryant, Champer, Chiles, Cogswell, Cooper, Cutter, Dole, Egbert, Eldridge, Flint, Healey, Helmer, Heriman, Hubbard, Hunt, Jackson, Johnson of Marion, Johnson of Monroe, Kilgore, Kinney, Lane, Lee, Marshall, Mason, Matson, McClure, McCormick Parker, Puett, Reynolds, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Willey, Williams, Wyman and Mr. Speaker—43.

So said instructions were laid on the table.

Mr. Gregory moved the following instructions to said committee.

A bill to classify the public works and to secure their ultimate completion, and to amend an act entitled An act to provide for a general system of Internal Improvements, approved February 27, 1836,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the act to which this is an amendment, and of all other laws of the State as relates to the members of the State Board of Internal Improvement, and to the representative principle recognized in the organization of the said board, be and the same is hereby repealed.

SEC. 2. That the present Board of Internal Improvements be and the same is hereby dissolved, provided that the members of the said board shall, for the purpose of settling their accounts with the State and for other purposes connected with their present duties, remain in office until the first Monday in March next.

SEC. 3. From and after the first Monday in March next, the State Board of Internal Improvements shall consist of three members to be elected by the present General Assembly without reference to location.

SEC. 4. The members of the said board shall be elected by joint ballott of both houses of the General Assembly, each member shall be voted for separately and a majority of all the votes given shall elect. One member of the said board shall serve for three years, one member shall serve for two years, and the other member shall serve for one year. Their term of service to be determined by lot to be drawn by the Secretary of the Senate and Clerk of the House in the presence of both Houses.

SEC. 5. In case of a vacancy happening in said board when the Legislature is not in session, said vacancy shall be filled by appointment by the Governor, and such member so appointed shall serve until a successor is elected by the legislature and qualified. But if any vacancy shall happen in said board while the legislature is in session, the same shall be filled by joint ballott of both Houses as aforesaid.

SEC. 6. The members of the said board shall at all times continue in office until their successors are elected and qualified, and shall discharge all the duties, and shall possess all the powers and be subject to all the regulations and restrictions required of or conferred upon the former State Board, except so far as the same are modified or repealed by law.

SEC. 7. The members composing the board of internal improvements shall meet together on the first Monday in March next, or as soon thereafter as convenient, and choose one of their number to be president of said board, and appoint a secretary, whose duties and compensation they shall regulate: *Provided, however,* That the salary of said secretary, shall in no wise exceed five hundred dollars per annum; the president of the board shall have power to call meetings of the board when in his opinion the public interests may require it, and the said board shall have authority to adjourn from time to time, and to meet at any place they may think proper, and shall have power to employ such engineers and assistants as shall be absolutely necessary, and as the interest of the state shall in their opinion demand, to enable them to discharge the duties required of them by this act, and shall pay such engineer or assistant for their services, such sum or sums

as in their opinion may be a reasonable compensation for the duties which they may perform: *Provided, however,* That the salary of any resident engineer shall in nowise exceed one thousand dollars per annum, nor shall the salary of any assistant engineer, exceed seven hundred dollars per annum.

SEC. 8. It shall be the duty of the said board at their first meeting or as soon thereafter as the necessary data and estimates can be obtained, to class the public works into three classes, No. 1, 2, and 3, in as equal divisions as may be, and in such a manner as to satisfy the different sections of the state as near as the nature of the works will admit. But in deciding which work or portion of work shall be put in the first class, put first under contract, and which shall be first urged to completion, it shall be the duty of the said board after carefully examining the subject in all its bearings, to concentrate future expenditures on such works or portions of works as in their opinion will best subserve the general convenience of the citizens and conduce to the agricultural and commercial improvement of the state, and as will be likely to yield a revenue the state at the earliest day, so as to relieve the people from taxation without jeopardizing the final completion of the works provided for in the act to which this is an amendment.

SEC. 9. And in furtherance of the same object the said board shall have power whenever they are of opinion that the interest of the state demands it, with the consent of the contractors, to rescind, cancel, or transfer any contract from one portion of work to another, or from one class of works to another, in any case where they may consider the expenditure for the present an unprofitable outlay of the public money, and in all cases in which contracts may be rescinded, cancelled or transferred with the consent of the parties as aforesaid, the board shall offer to the contractors in question other contracts on works in the first class of public works or such portions of public works as are to be immediately prosecuted, at such prices as a competent engineer may consider as profitable and advantageous to the contractor as the contract that has been rescinded, cancelled or transferred as aforesaid, taking into view the expense and inconvenience of transferring his forces if he shall have commenced operations. But if any contractor shall refuse to take such contract as aforesaid as an equivalent, then in that case it shall be lawful for the said board and contractor to appoint three disinterested and experienced persons to make an equitable assessment of damages which such contractor may have sustained by the rescinding or cancelling of his contract, which damages shall be paid by the board as other contracts are paid on the public works. *Provided nevertheless,* That if the said board shall consider the damages so assessed to be more than an equitable or reasonable compensation for the injury sustained as aforesaid, so that the interest of the state will not justify the payment of said damages, the board may at their option pay said damages as aforesaid, or order the work to be completed by the said contractor agreeably to his contract. To enable the said board to carry out the general provisions of the

preceding sections untrammelled by mere local interest, and with a sole and strict regard to the general welfare of the state, all laws and parts of laws restricting the lettings on any particular work are hereby repealed.

SEC. 10. The former appropriation of ten millions of dollars heretofore appropriated on the several works of internal improvements, shall be held in good faith and secured to each of the works for which it was originally appropriated and it shall be expended as contemplated in the act to which this is an amendment.

SEC. 11. That it shall not be lawful for the board of internal improvements to expend in the year 1839, more than one million seven hundred thousand dollars, including every expense whatever: *Provided, however,* That the board may be enabled to prosecute the first class of public works to final completion, the sum of one million five hundred thousand dollars is hereby appropriated in addition to the original appropriation of ten millions; and to the end that all the works of internal improvements now authorized by law, that may be put in the second and third class, shall be finished as soon as the interest of the state will demand or the funds thereof will admit, the faith of the state is hereby again in good faith irrevocably pledged to appropriate a sufficient sum to complete the same.

SEC. 12. That the present board of internal improvements, in settling with the one organized under the provisions of this act, shall deliver up all books, papers, and documents of whatsoever kind, that appertain, or in anywise belong to the system of internal improvements, together with all contracts that may have been given up by contractors, and been re-sold again, the name of the first and second contractor or contractors, and the amount of difference between the contracts, and likewise a true account of all money that may be in the hands of the members of said board belonging to the state, and a just and true account of all things connected with the system of internal improvements, so that their successors shall have all the means necessary to enable them to lay before the next General Assembly, the true situation and condition of all the public works in the state.

SEC. 13. That in case of failure or refusal on the part of the present board, or any member thereof, to make such transfers and exhibits as is required of them by this act, then and in that case, suit shall be commenced against such delinquent or delinquents, in the name of the State of Indiana on their several bonds in the circuit court in the county of Marion, and shall be prosecuted to final judgment with ten per cent. damages, and on such judgment there shall be no stay of execution.

SEC. 14. The annual report of the board to the legislature shall be made at the earliest practicable period of the session, but not later than the third Monday of December, and shall each year contain a general statement of the entire amount theretofore expended for internal improvements, an estimate of work yet to be done, the amount of unfinished contracts, the amount of new contracts during the year last past, the balance of interest, if any, remaining unpaid or unpro-

vided for, after deducting from the total amount of interest paid out by the state, the revenue from any source applicable to the liquidation of said interest; also furnishing a full exhibit of the operations during the year, and containing a statement of the names of all officers by them appointed, the kind of service required of them, together with the amount of their compensation.

SEC. 15. That no unconnected lettings shall ever be made by the board; but in all contracts made with contractors there shall be a connection from the most commercial point, or from that point where the state is likely to derive the greatest advantage: *Provided always*, That no contracts of any kind shall ever be made in advance of the amount of bonds actually sold and placed to the credit of the state in some safe and solvent bank, the certificate of which shall be filed in the office of the Auditor of State: *Provided further*, That no state bonds shall be sold for less than par value, and in no case for a greater amount of interest than six per cent. per annum.

SEC. 16. That the Board of Internal Improvements may be untrammelled, and that they may be enabled to act with a due regard to the general welfare, and to do equal justice to every part of the state, the whole of the Michigan road north of Napoleon in Ripley county, be, and the same is hereby attached to the system of internal improvements as established by an act of the General Assembly, entitled an act to provide for a general system of internal improvements, approved January 27, 1836; and the board shall at the time of arranging the classification of the public works, as contemplated by this act, place said road in the first, second, or third class, as they may consider will best comport with the general interest of Indiana.

SEC. 17. That the Board of Internal Improvements shall take care of those works that may be classed in the second and third class, and see that no injury be done to any work or part of a work in either of the above named classes, until a recommencement of building or improving them again take place, and shall see that the law providing for the protection of the canals belonging to the state, the collection of tolls thereon, and for other purposes, approved February 19, 1838, be faithfully executed, so that said works shall be kept from injury. The law on the subject contained in this section shall be given in charge to grand juries by the courts in Indiana.

Mr. Cutter moved to lay said instructions on the table;  
And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brown, Bryant, Bryce, Carr of J., Carr of L., Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Cotton of P., Cutter, Cotton of S., Devin, Earl, Egbert, Eggleston, Graham, Hanna, Healey, Herriman, Hubbard, Hunt, Jackson, Johnson of Monroe, Kenton, Kinney, Lane, Lee, Mason, Matson, McCarty, McCormick, McClure, McNary, Morgan, Morrow, Owen, Parker, Perine, Reynolds, Riley, Smydth, Spann,

Stewart, Terrell, Thompson, Townsend, Vance, Williams, Wilson of H. Wines, and Wyman—61.

*Those who voted in the negative were*

Messrs. Allison, Brenton, Bright, Chapman, Conaway, Dole, Eldridge, Field, Flint, Glass, Gregory, Helmer, Hendricks, Hurst, Johnson of Marion, Jones, Judah, Kilgore, Lewis, Major, Marshall, Milroy, Monroe, Nelson, Noel, Powell, Proffit, Puett, Truelock, Willey, Wilson of M., and Mr. Speaker—35.

So said instructions were laid on the table.

The Speaker announced the following as the select committee to which bill No. 139, to modify the plan of carrying on the public works, &c, was referred, to-wit:

Messrs. Champer, Owen, Gregory, Proffitt, Kilgore, Noel, Thompson, Milroy, and Mason.

Mr. Owen moved to take his proposed instructions from the table; And before any action had thereon;

On motion, House adjourned until to-morrow morning.

### WEDNESDAY, JANUARY 23, 1839.

House met pursuant to adjournment.

Mr. McClure, on leave, introduced bill

No. 273, For the relief of the securities of N. W. Saxton, late collector of Laporte county;

Which was read twice, the rule being suspended, and referred to a select committee of Messrs. McClure, Egbert, and Perine.

Mr. Allison presented the petition of sundry citizens of Greene county, praying for the election of an additional justice of the peace in Greene county;

Referred to a select committee of Messrs. Allison, Smydth, and Champer.

Mr. Perine presented a petition and remonstrance, on the subject of a State road in Kosciusko county;

Which was referred to a select committee of Messrs. Thompson, McClure, and Clymer.

Mr. McCormick presented the petition of Robert McIntire and others, praying for the location of a State road from Portland to the state line in a direction to Danville;

Which was referred to Messrs. McCormick, Gregory, and Bryant.

Mr. Cline presented the petition of sundry citizens of Porter county, praying for the location of a State road:

Which was referred to the committee on roads.

Mr. Eldridge presented the petition of sundry citizens of Cass county, on the subject of a State road;

Which was referred to the committee on roads.

Mr. Cooper, from the judiciary committee, reported bill

No. 88, To increase the pay of witnesses, without amendment; in which the House concurred.

Said bill was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Helmer, from the same committee, reported

No. 274, To legalize the acts of Jane Owen, administratrix of an estate;

Which was read and passed to a second reading on to-morrow.

Mr. Cooper, from the same committee, made the following report, in which the House concurred:

MR. SPEAKER—

The committee on the judiciary, to whom was referred a resolution of this House, instructing said committee to inquire into the constitutionality of collecting fines under the present military system, as established by the law of this state, and whether there has been any decision of the Supreme court of this state, and if so what it is: It is the opinion of the committee that our present militia law is entirely consistent with the constitution of the State of Indiana. In answer to the second inquiry, there has never been any decision of the Supreme court of this State questioning the constitutionality of collecting fines under our present military system; and the committee wish to be discharged of any further consideration of the subject.

M. Field reported:

MR. SPEAKER—

The committee on the affairs of the State Prison, to which was referred a resolution of the House, instructing them to inquire into and report to this House, whether corporeal punishment by whipping has been practised by the keepers of the State Prison on the convicts, and if so, to what extent and for what objects such punishments have been inflicted, have had the same under consideration, and beg leave to submit the following

## REPORT:

That they have no information on the subjects embraced in the resolution, further than that corporeal punishment by whipping constitutes a part of the internal government of the prison, and that it is often resorted to, but for what objects and to what extent, your committee are not informed;

In which the House concurred.

Mr. Boon made the following report, in which the House concurred:

MR. SPEAKER—

The committee on claims, to whom was referred the petition of Samuel Peck, have had the same under consideration, and have instructed me to report that it is inexpedient to grant the prayer of the petitioner; and ask to be discharged from the further consideration thereof.

Mr. Matson, from the judiciary committee, made the following report:

MR. SPEAKER—

The judiciary committee, to whom was referred two resolutions of the House, respecting the Lawrenceburgh and Indianapolis Railroad Company, have had those subjects under consideration, and instructed me to

### REPORT:

That the Lawrenceburgh and Indianapolis Railroad Company was chartered by the Legislature of Indiana, during the session of 1831-2, with the powers usually granted to such corporations, for the purpose of constructing a railroad from Lawrenceburgh to Indianapolis.—There are two provisions of the charter, however, which the committee desire to bring directly before the legislature, as they have a material bearing upon the subject of inquiry.

The first is in these words: "The corporation shall commence the construction of said road any time within three years, and from time to time, construct so much towards the point of destination as may be within the *ability*, and to the *interest* of the *company*, and shall complete it in twelve years from the commencement." The second is as follows: "The corporation shall in no case either directly or indirectly, engage in any kind of *trade*."

When the act of 1836, providing for a general system of internal improvements was passed by the legislature, the Lawrenceburgh and Indianapolis railroad was taken into the system, and the company, by that law, allowed to use the credit of the State to obtain funds for the prosecution of that work, to the amount of \$500,000.

The mode in which these funds were to be obtained, and the credit of the State used, is particularly pointed out in that act, to which the committee beg leave to refer.

From an examination of the laws above referred to, your committee can form no other opinion than, that the bonds of the State were to be issued to the company for the *sole* purpose of obtaining money to construct the work for which the company was chartered, and that to use the money so obtained, or any principal part of it, for any other purpose, would be a violation of the statute and a fraud upon the State.

Nearly two years since, the company obtained upon the credit of the State, the sum of \$221,000, and they shew by their last annual

report, that of this sum, \$178,900 was, soon after its receipt, loaned out to individuals, and at the time of the suspension of specie payments by the Banks, the company ceased all active operations on this road, and have to this time manifested no disposition to resume.

It is true that the company have continued their operations on that part of the road which runs through the western border of the town of Lawrenceburgh. This is an extremely expensive portion of the work, and will be of no public utility *as a road*, until further sections are completed. The committee, however, are informed that it is considered of great importance to the town of Lawrenceburgh, *as it serves as a levee to keep the water of the Ohio river from overflowing the town, which was the case before this embankment and those of the White-water canal were constructed.*

While the public works undertaken by the State at the same time with this road have all been nearly finished, for the distance of from twenty to thirty miles, and further portions of them under contract, this company has only constructed one mile and a quarter of theirs.

And has their delay been caused by any default on the part of the State to furnish the means of obtaining funds? Certainly not: for it appears, that at the time of their suspension they had obtained funds from the State bonds to the extent of four times the sum which they had then expended.

Why then is it, that when the state has three years since furnished them the sum of \$221,000, and when if they had discharged their duty individual stockholders would have paid an equal sum, amounting together to the sum of \$442,000—why is it that at this time, when seven years have elapsed, and the company obliged by their charter to complete the whole work in twelve years, that they have ceased for years all active operations with less than two miles of the road finished? Let them speak for themselves. In their report to the Legislature for last year, they give as a reason for their suspension, and cancelling contracts; that they had loaned a principal part of their funds, amounting to the sum of \$178,000 to individuals, and rather than call it in at the time of the suspension of payments by the banks, they determined to suspend their work, because, say they, “the money loaned out by the company being in the hands of men who were bending under the blast then sweeping over the land, rendered it impossible that the company should enforce its payment, without aggravating the distress of the times.”

So this company, chartered and furnished with funds for the *sole* purpose of constructing a *railroad*, and bound by their charter to construct it as fast as their “*ability and interest*” as a company, would permit, and expressly restricted from engaging, either “*directly or indirectly, in any kind of trade,*” loan out to the individual stockholders nearly all their funds, for their own private benefit; and when the time arrives that a portion ought to be paid out for work contracted to be done, and the balance applied to further contracts, the company determined not to call it in, but to sacrifice the whole interest of the

company and welfare of the State, to save the persons to whom the money was loaned from pecuniary embarrassments and anticipated distress. Are they justifiable in this course? The committee think that no power is given to the company to resolve itself, under any circumstances, into an institution for the purpose of loaning money and regulating commerce in the town of Lawrenceburgh or elsewhere; and that however much praise the Directors may take to themselves for saving their friends from "bending under the blast then sweeping over the land," in doing so they plainly and palpably neglected their duty and the interests of the company, and violated the charter under which they acted.

Your committee in conclusion would observe, that they think the reasons given by the Treasurer of State, in his annual report for delaying the appointment of appraisers preparatory to the issue of State bonds to the company, are entirely satisfactory, and that he deserves the thanks of the legislature and the people for his prompt and timely opposition to this unjust demand. They are further of opinion that the company have forfeited all claim to the issue of any more State bonds until they proceed in the construction of their work, and until funds are wanted by the company, for *that purpose*, and not to relieve the *distress* of the stockholders, or for their *private benefit*.

The committee are of opinion that a correspondence should immediately be opened by the Executive of the State with the proper officers of the company, with the view of ascertaining whether it is their intention to proceed as heretofore; and if so, that he cause a writ to be issued against them, agreeably to the provisions of the joint resolution herewith reported.

J. A. MATSON.

On motion of Mr. Owen,

Said report was laid on the table, and one hundred copies ordered to be printed.

No. 275, joint resolution on the subject of the Lawrenceburgh and Indianapolis railroad company;

Was read and passed to a second reading on to-morrow.

Mr. Perine, from a select committee, reported

No. 276, to provide for the election of a justice of the peace in Kosciusco county;

Which was read twice, and ordered to be engrossed for a third reading on to-morrow.

Mr. Eggleston made the following report:

MR. SPEAKER—

The select committee to which was referred bill

No. 238, for the relief of Martin Jackson an insane person, with instructions to report a general law to meet like cases, have directed me to report bill

No. 277, concerning insane persons;

Which was read twice, the rule being suspended;

When Mr. Arnold moved the following amendment: All persons insane, who have no property for their support, shall be entitled to all the benefits of the laws of this State for the relief of paupers; and the overseers of the poor, and all other persons concerned are directed to govern themselves according to the provisions of an act for the relief of the poor;

Which was not agreed to.

Mr. Arnold then moved to lay said bill on the table.

And the ayes and noes being demanded thereon,

*Those who voted in the affirmative were*

Messrs. Arnold, Blair, Brenton, Bright, Chiles, Clymer, Devin, Lee, Marshall, McClure, Perine, Wyman—11.

*Those who voted in the negative were*

Messrs. Albertson, Allison, Anderson, Baker, Boon, Bowles, Brown, Bryant, Bryce, Carr of J., Carr of L., Champer, Chapman, Cline, Cooper, Conaway, Cotton of S., Cotton of P., Cutter, Dole, Earl, Egbert, Eggleston, Eldridge, Field, Flint, Glass, Graham, Gregory, Hanna, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Kenton, Kilgore, Kinney, Lane, Lewis, Major, Mason, Matson, McCarty, McCormick, McNary, Monroe, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Powell, Riley, Rose, Rush, Sands, Smydth, Spann, Stewart, Terrell, Thompson, Townsend, Truelock, Vance, Willey, Williams Wilson of H., Wilson of M., Wines, and Mr. Speaker—75.

So said bill was not laid on the table.

Mr. Arnold moved to refer said bill to a select committee;

Which did not prevail.

Said bill was then read a third time, the rule being suspended, and passed.

*Ordered*, That the Senate be informed thereof.

A message from the Governor, by J. M. Wallace his Secretary.

**MR. SPEAKER—**

I am directed by the Governor to inform the House of Representatives that he has signed the following bills and joint resolution, which originated in the House of Representatives,

No. 215—An act for the relief of George D. Prentice, W. Wessenger and J. B. Moulton, and for other purposes;

No. 63—A joint resolution to correct an error in copying the general appropriation bill last session;

No. 7—An act declaring a certain name therein a misprint;

No. 38—An act to provide for a more uniform mode of doing township business in the county of Randolph;

No. 35—An act to provide for the clearing out of Pride's creek in the county of Pike;

No. 78—A memorial and Joint resolution on the subject of the Cumberland road;

No. 184—An act changing the time of holding the Probate court in Vigo county;

No. 231—An act for the relief of Thomas Jones;

No. 138—A memorial and joint resolution on the subject of a school for the education of the deaf and dumb;

No. 106—An act to amend an act entitled An act to amend an act to incorporate the Buffalo and Mississippi railroad;

No. 110—An act to locate a State road in the county of Vigo;

No. 199—A joint resolution on the subject of a steam boat canal around the falls of the Ohio;

No. 221—A joint resolution on the subject of a stage line;

No. 25—An act to regulate the holding of Probate court in the county of Posey;

No. 60—An act to extend the time for the collection of the Revenue of Laporte county;

No. 29—An act to vacate a part of the town of Milford in Kosciusko county;

No. 8—An act to locate a State road from the east line Whitley county to Fort Wayne;

No. 13—An act for the benefit and relief of Solomon Vanada of Warrick county;

No. 181—A joint resolution of the General Assembly of the State of Indiana relative to the State seal;

Also, the following bills which originated in the Senate;

No. 38—An act amendatory to an act entitled An act for the formation of the county of Blackford, approved February 15th, 1838.

No. 110—An act to repeal an act entitled An act specifically appropriating a certain amount of the three per cent. fund now due, or hereafter first to become due and payable to the county of Porter, approved February 17th, 1838.

No. 119—An act for the relief of John Bowland;

Mr. Dole, from the select committee, reported bill

No. 278, to dissolve the bonds of matrimony between Joshua Skidmore and Mary his wife;

Which was read and passed to a second reading on to-morrow.

Mr. Willey, from a select committee, reported

No. 279, for the relief of William Port;

Which was read, passed to a second reading on to-morrow.

Mr. Blair, from a like committee, reported back to the House bill

No. 99, to amend an act incorporating the town of Perryville, with an amendment in which the House concurred;

And said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Kilgore, (on leave) from the committee on corporations reported bill

No. 201, to incorporate the Rushville steam mill company, with an amendment, in which the House concurred;

The rules of the House were suspended, and said bill read a third time and passed.

*Ordered*, That the Senate be informed thereof.

Also, from the same committee, bill

No. 126, to incorporate the town of Danville in Hendricks county;

Which was read, and ordered to be engrossed for a third reading on to-morrow.

Mr. Kenton, from a select committee, reported

No. 280, to locate a State road from Winnamack to Rochester;

Which was read twice, the rule being suspended, and referred to the committee on roads.

Mr. Allison, from a like committee, reported

No. 282 relative to an additional justice of the peace in Green county;

Which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Thompson, from a like committee, reported back to the House, bill of the Senate

No. 111, to authorize Joshua Manning to build a mill dam across the St. Joseph river, without amendment;

Said bill was read a third time and passed.

Mr. Lane, from a select committee, made the following report:

**MR. SPEAKER—**

The select committee to which was referred the memorial of the president and trustees of the town of Evansville, have had the same under consideration, and directed me to report a bill,

No. 281, to amend an act relative to the town of Evansville;

Which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Kenton, from a select committee, reported

No. 283, to organize Pulaski county;

Which was read and passed to a second reading on to-morrow.

Mr. Wilson of H., from like committee, reported

No. 284, declaring a certain road a State road;

Which was read twice, and referred to the committee on roads.

Mr. Cline, from a like committee,

No. 286, to authorize the building of a toll bridge across the Kankakee river;

Which was read twice, and referred to the committee on corporations.

Mr. Johnson of Monroe, from like committee,  
No. 290, to locate a State road in Monroe county;  
Read and passed to a second reading on to-morrow.

Mr. Matson made the following report, in which the House concurred.

**MR. SPEAKER—**

The select committee to whom was referred the petition of certain citizens of Franklin county, praying the location of a State road from Rushville to Brookville, have had that subject under consideration, and have reported to the chairman of the committee on roads a section of the general road law providing for the location of said road.

Mr. Marshall (on leave) introduced bill

No. 285, to incorporate the Golding's patent bagging company;  
Which was read twice and referred to the committee on corporations.

Mr. Matson, (on leave,) bill

No. 287, for the relief of Abner McCarty;

Which was read three times and passed, the rule being suspended,

Mr. Bowles, (on leave,) bill

No. 288, to incorporate the Orange county female seminary;

Read twice and referred to the committee on corporations.

Mr. Kinney, (on leave) bill

No. 289, supplemental to an act appointing trustees to receive deeds, &c., for meeting houses and other purposes;

Read and passed to a second reading on to-morrow.

Mr. Smydth from the select committee to which was referred bill

No. 92, to refund certain moneys to the counties therein named,

Reported the same back to the House with an amendment.

Mr. Arnold moved to lay the report and amendment on the table;  
and ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Anderson, Arnold, Baker, Chapman, Chiles, Cline, Conaway, Field, Hanna, Healey, Helmer, Hendricks, Herri-  
man, Hubbard, Jones, Lane, Lewis, Monroe, Parker, Riley, Rose,  
Stewart, and Truelock—24.

*Those who voted in the negative were*

Messrs. Allison, Boon, Bowles, Brenton, Bright, Brown, Bryant,  
Bryce, Carr of J., Carr of L., Champer, Cogswell, Cooper, Cotton of  
P., Cotton of S., Cutter, Devin, Dole, Earl, Egbert, Eggleston, El-  
dridge, Flint, Glass, Graham, Gregory, Hunt, Hurst, Jackson,  
Johnson of Monroe, Judah, Kenton, Kilgore, Kinney, Lee, Major,  
Marshall, Mason, Matson, McClure McCormick, McNary, Milroy,

Morgan, Morrow, Nelson, Noel, Owen, Peaslee, Perine, Powell, Puett, Reynolds, Rush, Sands, Smydth, Spann, Terrell, Thompson, Townsend, Vance, Willey, Williams, Wilson of M., Wines, and Mr. Speaker—64.

So said report was not laid on the table.

The House then concurred in the report.

The question then recurred on the engrossment of said bill, and the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Boon, Brenton, Brown, Bryant, Bryce, Carr of J., Clymer, Cotton of P., Cotton of S., Cutter, Devin, Dole, Earl, Egbert, Eldridge, Glass, Gregory, Hurst, Jones, Judah, Kenton, Kilgore, Kinney, Lee, Major, Marshall, Mason, McClure, McNary, Milroy, Morrow, Nelson, Noel, Parker, Peaslee, Powell, Puett, Reynolds, Sands, Smydth, Spann, Terrell, Thompson, Townsend, Vance, Willey, Williams, Wilson of H., Wilson of M., Wines, and Mr. Speaker—53.

*Those who voted in the negative were*

Messrs. Albertson, Anderson, Arnold, Baker, Bowles, Carr of L., Chapman, Cline, Cooper, Conaway, Eggleston, Field, Flint, Hanna, Healey, Herriman, Hendricks, Helmer, Hubbard, Johnson of Marion, Johnson of Monroe, Lane, Lewis, Matson, Monroe, Morgan, Owen, Perine, Riley, Rose, Rush, Stewart, Truelock, and Wyman—35.

So said bill was ordered to be engrossed for a third reading on tomorrow.

On motion House adjourned.

*Two o'clock, P. M.*

The House met.

The Speaker laid before the House the second annual report of the Vernon Savings Institution;

Which was referred to the committee on corporations.

Mr. Perine moved to discharge the select committee to which bill 129 was referred.

Mr. McClure moved to amend said instructions as follows:

Sec. 13. Strike out one million and a half and insert one million seven hundred and fifty thousand.

Sec. 15. To enable the board to carry out the general provisions of this bill untrammelled, and with a strict regard to the general welfare of the state. The original appropriation of ten million of dollars, together with all sums subsequently appropriated to works of internal

improvement, is hereby declared a general appropriation; any portion of which may be expended at the option of the board on any work or part of work embraced in the system of internal improvement: *Provided, nevertheless,* That the expenditure on any one work or works in the system of internal improvements shall never exceed the amount originally appropriated, unless such additional expenditure be authorized by an act of the legislature: *And provided, also,* That nothing in this act contained shall be so construed as in any way to impair the pledge given in the act to which this is amendatory, for the final completion of all the works without exception embraced in the system, according to the true intent and meaning of the act to which this is an amendment.

On motion of Mr. Thompson, said motion and amendment thereto were laid on the table.

Mr. Owen moved the following instructions to said committee, to wit:

*Resolved,* That the select committee to which was referred the modification bill, be instructed to report the same back instanter, with the following amendments, to wit:

In the fourth section, to strike out the words: "and that each member shall be ballotted for separately."

And to fill up the blank, fifteenth section, as follows:

See. 15. That to enable the board to carry out the general provisions of the preceding section untrammelled by local interest, and with a strict regard to the welfare of the state, the fund commissioners or other person or persons authorized to create and sell state bonds, are hereby empowered to sell the same to any amount not exceeding one million and a half of dollars; which said loan shall be made from time to time, as the board may direct, and shall be applied at the option of the board to the continuation or completion of such works or parts of works embraced in the general system of internal improvement as may from time to time have exhausted their original specific appropriations: *Provided,* That the board shall never, in its annual expenditures for internal improvement, exceed the annual amount in a former section of this act specified, and that the annual expenditure for the year 1839, may be expended on any works or part of works embraced in the general system of internal improvement.

Mr. Kinney moved to amend said instructions as follows:

And that in no future year, until all the works are completed, shall the expenditures be less than one million a year, if the money can be obtained at a fair per cent.

Mr. Bryce moved to lay the pending motions on the table;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Arnold, Bowles, Brenton, Bryant, Bryce, Carr of L., Chamber, Chapman, Chiles, Cogswell, Cooper, Conaway, Cutter, Devin, Egbert, Flint, Graham, Healey, Helmer, Johnson of Monroe, Kil-

gore, McClure, McCormick, McNary, Perine, Proffitt, Smydth, Stewart, Townsend, Williams, Wyman, and Mr. Speaker—32.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Baker, Boon, Bright, Brown, Carr of J., Cline, Clymer, Cotton of P., Cotton of S., Dole, Earl, Eldridge, Field, Glass, Gregory, Hanna, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Jones, Judah, Kenton, Kinney, Lane, Lee, Lewis, Major, Marshall, Mason, Matson, McCarty, Milroy, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Powell, Puett, Reynolds, Riley, Rose, Spann, Terrell, Thompson, Truelock, Vance, Willey, Wilson of H., Wilson of M., and Wines—61.

So said instructions were not laid on the table.

Mr. Wilson of Harrison moved the previous question;

Which was seconded by the House.

The question then was, Shall the main question be now put?

The ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Chiles, Clymer, Cogswell, Conaway, Cotton of P., Cotton of S., Devin, Earl, Eggleston, Field, Glass, Graham, Hanna, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Jones, Judah, Kenton, Lee, Lewis, Major, Marshall, Mason, Matson, McCarty, Milroy, Monroe, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Perine, Powell, Puett Reynolds, Rose, Sands, Spann, Terrell, Truelock, Vance, Willey, Wilson of H., Wilson of M., and Wines—64.

*Those who voted in the negative were*

Messrs. Alley, Allison, Champer, Chapman, Cooper, Cutter, Egbert, Eldridge, Flint, Gregory, Healey, Helmer, Hurst, Johnson of Monroe, Kilgore, Kinney, Lane, McClure, McCormick, McNary, Proffitt, Riley, Smydth, Stewart, Thompson, Townsend, Williams, Wyman, and Mr. Speaker—29.

So it was agreed to put the main question now;

Which was, Shall the committee be instructed as proposed by Mr. Owen?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Boon, Brenton, Bright, Brown, Carr of J., Cline, Clymer, Cooper, Conaway, Cotton of P., Cotton of S., Dole, Earl, Eggleston, Field, Glass, Hanna, Hendricks,

Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Judah, Kenton, Lee, Lewis, Major, Marshall, Matson, McCarty, Milroy, Monroe, Morgan, Morrow, Owen, Parker, Peaslee, Perine, Powell, Puett, Reynolds, Rose, Rush, Sands, Spann, Terrell, Truelock, Vance, Willey, Wilson of H., Wilson of M., and Wines—59.

*Those who voted in the negative were*

Messrs. Allison, Baker, Bowles, Bryant, Bryce, Carr of L., Champer, Chapman, Chiles, Cogswell, Cutter, Devin, Egbert, Eldridge, Flint, Graham, Gregory, Healey, Helmer, Johnson of Monroe, Jones, Kilgore, Kinney, Lane, McClure, McCormick, McNary, Nelson Proffitt, Riley, Smydth, Stewart, Thompson, Townsend, Williams, Wyman and Mr. Speaker—37.

So the committee were instructed to report said bill accordingly.

Mr. Kilgore moved to instruct said committee as follows:

To designate in said bill what works shall be immediately prosecuted, and upon what works the board shall for the present suspend operations;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Bryant, Bryce, Champer, Chapman, Chiles, Cogswell, Cutter, Devin, Egbert, Eldridge, Flint, Glass, Gregory, Healey, Helmer, Herriman, Johnson of Monroe, Kilgore, Kinney, Lane, McClure, McCormick, McNary, Parker, Proffitt Riley, Smydth, Stewart, Thompson, Townsend, Vance, Willey, Williams, Wyman, and Mr. Speaker—36.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Arnold, Baker, Boon, Bowles, Brenton, Bright, Brown, Carr of J., Carr of L., Cline, Clymer, Cooper, Conaway, Cotton of P., Cotton of S., Dole, Earl, Eggleston, Field, Graham, Hanna, Hendricks, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Jones, Judah, Kenton, Lee, Lewis, Major, Marshall, Mason, Matson, McCarty, Milroy Morgan, Morrow, Nelson, Noel Owen, Peaslee, Perine, Powell, Puett, Reynolds, Rose, Rush, Sands, Spann, Terrell, Truelock, Wilson of H., Wilson of M., and Wines—60.

So said committee were not so instructed.

Mr. Owen made the following report:

MR. SPEAKER—

The select committee, to which was referred bill No. 139 of the House, to modify the plan of carrying on the public works and to secure their ultimate completion, report the same back, according to instruction, with two amendments.

The House concurred in the first amendment made by the committee.

Mr. Kinney moved to concur in the second amendment with the following amendment thereto, to-wit;

*Provided*, That not less than one million of dollars shall be expended each year until all the works in the system are completed: *And provided*, That the Fund Commissioners shall never sell State bonds at a higher rate of interest than six per cent.

Mr. Cutter moved the previous question;

Which was seconded by a majority of the House.

The House then decided that the main question should now be put;

Which was, Will the House concur in the report of the committee? And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Boon, Bright, Carr of J., Cotton of P., Cotton of S., Dole, Earl, Field, Hanna, Hendricks, Hubbard, Hunt, Jackson, Johnson of Marion, Jones, Judah, Kinney, Lewis, Major, Marshall, Mason, Matson, McCarty, Milroy, Morrow, Morgan, Noel, Owen, Peaslee, Perine, Powell, Puett, Reynolds, Rose, Sands, Spann, Terrell, Truelock, and Wilson of H.—43.

*And those who voted in the negative were*

Messrs. Allison, Baker, Bowles, Brenton, Brown, Bryant, Bryce, Carr of L., Champ, Chapman, Chiles, Cline, Cogswell, Clymer, Cooper, Conaway, Cutter, Devin, Egbert, Eggleston, Eldridge, Flint, Glass, Graham, Gregory, Healey, Helmer, Herriman, Hurst, Johnson of Monroe, Kenton, Kilgore, Lane, Lee, McClure, McCormick, McNary, Monroe, Nelson, Parker, Proffitt, Riley, Rush, Smydth, Stewart, Thompson, Townsend, Vance, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—54.

So the House refused to concur in the report of the committee.

Mr. Proffitt then moved the previous question;

Which was seconded by a majority of the House.

The House also decided that the main question should now be put;

Which was, Shall the bill pass?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Arnold, Baker, Boon, Bowles, Brenton, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Cline, Clymer, Conaway, Cotton of P., Cotton of S., Devin, Dole, Dumont, Earl, Eggleston, Egbert, Eldridge, Field, Glass, Graham, Hanna, Hendricks, Herriman, Hunt, Hurst, Johnson of Monroe, Johnson of

Marion, Jones, Judah, Kenton, Kilgore, Lane, Lewis, Major, McCarty, McClure, Milroy Monroe, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Perine, Powell, Proffitt, Puett, Riley, Rose, Rush, Sands, Spann, Stewart, Townsend, Truelock, Wilson of H., Wilson of M., Wines and Mr. Speaker—69.

*Those who voted in the negative were*

Messrs. Allison, Bright, Champer, Chiles, Cogswell, Cooper, Cutter, Flint, Gregory, Healey, Helmer, Hubbard, Jackson, Kinney, Lee, Marshall, Mason, Matson, McCormick, McNary, Noel, Reynolds, Smydth, Terrell, Thompson, Vance, Willey, Williams, and Wyman—29.

So said bill passed.

*Ordered*, That the Senate be informed thereof.

On motion, House adjourned.

THURSDAY, JANUARY 24, 1839.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Chief Engineer of State, in answer to a resolution of the House;

Which was read, laid on the table, and two hundred copies ordered to be printed.

Also, a communication from Daniel Roberts of Marshall county;

Which was, on motion of Mr. Hanna, laid on the table.

The following messages were received from the Senate by Mr. Test, their principal secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has receded from their amendment to the bill of the House of Representatives

No 45, entitled An act to change the mode of doing county business in the county of Hendricks;

Also, the Senate has passed an engrossed bill of the House,

No, 26, entitled An act to provide for the election of a justice of the peace in Pleasant View, in Shelby county, with an amendment in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed joint resolutions and engrossed bills of the House as follows, viz:

No. 6, an act amendatory of an act entitled An act to amend an act entitled An act to provide for a general system of internal im-

provement, approved January 27, 1836, approved February 17, 1838-

No. 7, An act declaring a misprint;

No. 10, An act for the relief of Aaron Rawlings;

No. 15, An act to repeal a part of an act entitled An act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence, and Green, approved February 1, 1834;

No. 24, An act authorizing the sale of certain school lands in Sullivan county;

No. 25, An act regulating the holding of probate courts in Posey county;

No. 29, An act to vacate a part of the town of Milford, in Kosciusko county;]

No. 35, An act providing for the clearing out of Pride's Creek in Pike county;

No. 38, An act to provide for a more uniform mode of doing township business in the county of Randolph;

No. 39 An act appointing and authorizing Isaac Coleman as a commissioner to make deeds on behalf of George Hollingsworth's heirs to the purchasers of lots in the town of Attica;

No. 50, An act to change the mode of electing county commissioners in Spencer county;

No. 60, An act to extend the time for the collection of the revenue of Laporte county;

No. 78, A memorial and joint resolution on the subject of the Cumberland road;

No. 138, A memorial and joint resolution on the subject of a school for the education of the deaf and dumb;

No. 222, A memorial and joint resolution on the subject of the New Albany and Mount Carmel rail road;

No. 231, An act for the relief of Thomas Jones; and

No. 221, A joint resolution on the subject of a stage line;

Each without amendment.

Also, the Senate has passed engrossed bills and joint resolutions thereof, as follows, viz:

No. 35, An act extending the jurisdiction of justices of the peace to fifty dollars in actions of trespass;

No. 39, A joint resolution for the benefit of John K. Welsh, late collector of Clark county;

No. 43, An act to authorize the election of a justice of the peace, and a constable in the town of Philomath, in the county of Union;

No. 90, An act to change the name of Clarkstown in the county of Boon;

No. 91, An act legalizing the proceedings of the commissioners of Whitley county;

No. 97, An act to legalize the incorporation of the town of Lebanon in the county of Boon;

No. 98, An act for the benefit of Catherine Falkner;

No. 120, An act to locate a state road from Logansport in Cass county to Peru in Miami county, on the south side of the Wabash;

No. 37, An act to relocate a State road from Germantown to the Greentield and Noblesville State road;

No. 103, An act for the protection of the Madison and Indianapolis rail road, and the collection of tolls thereon, and

No. 126, An act declaring Main Flatrock a public highway and for other purposes;

In which the concurrence of the House is respectfully requested.

No's. 35, 39, 91, 120, 103, in said message mentioned, were each read, and passed to a second reading on to-morrow.

No's. 43, 90, 37, 126, and 97 were each read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

No. 26, read and referred to a select committee of Messrs. Peaslee, Powell and Hendricks.

No. 98, was read twice, the rule being suspended, and referred to a select committee of Messrs. Cotton of S., Kinney, and Bright.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House, as follows, viz:

No. 71, An act for the relief of Mary Jane Peck;

No. 116, An act to authorize John Davis to convey certian property therein named;

No. 120, An act concerning the Logansport and Chicago State road;

No. 122, An act for the relief of William W. Wilson;

No. 124, An act to amend an act entitled An act to establish certian State roads therein named and for other purposes, approved February 17, 1838;

No. 245, An act to provide for a resurvey of the enlargement to the town of Jeffersonville;

Each without amendment.

Also the Senate has passed engrossed bills, and a joint resolution of House as follows, viz:

No. 94, A memorial and joint resolution on the subject of a mail stage line from Indianapolis to Evansville;

No. 128, An act to amend an act entitled An act relating to county seminaries, approved February 17, 1838; and

No. 216, An act legalizing the report of James Holliday, late collector of Tippecanoe county, and extending the time for completing the collection of the revenue of said county for the year 1838;

Nos. 94, 128, and 216, each with an amendment,

In which the concurrence of the House is respectfully requested.

The House refused to concur in the amendment made by the Senate to

No. 94, in the said message mentioned;

No. 128 was read, and

On motion of Mr. Bryce, laid on the table.

No. 216, the House concurred in the amendment of the Senate.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills thereof,

No. 102, An act to locate a State road from Burlington in Carroll county via Lockport to intersect the State road leading from Daniel Dale's, in White county, to the Michigan road, and for other purposes; and

No. 105, An act to incorporate the Hancock Guards, and for other purposes;

In which the concurrence of the House is respectfully requested.

Both of said bills were read passed to a second reading on to-morrow.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill and joint resolution thereof,

No 47, An act relative to absconding debtors, their aiders and abettors; and

No. 124, A joint resolution relative to the improvement of the Great St. Joseph river.

In which the concurrence of the House is respectfully requested.

Both bills in said message mentioned, were read and passed to a second reading on to-morrow.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 287, entitled An act for the relief of Abner McCarty, with amendments,

In which the concurrence of the House is respectfully requested.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed joint resolution,

No. 63, To correct an error in copying the general appropriation bill of last session, without amendment.

The Senate has concurred in the amendment of the House to the amendment of the Senate to the bill of the House,

No. 38, Entitled An act for the relief of the owners of certain forfeited lands and town lots in Clinton county.

Also, the Senate has passed an engrossed bill of the House,

No. 239, Entitled An act to legalize the election of the probate judge of the county of Kosciusko, also without amendment.

MR. SPEAKER—

I am directed by the Senate, to inform the House of Representatives, that the Senate has passed engrossed bills of the House entitled:  
 No. 27—An act to incorporate the town of Mount Vernon;  
 No. 47—An act to incorporate town of Jeffersonville; also,  
 No. 37—A joint resolution of the House concerning the State Library;

Each without amendment.

On motion of Mr. McClure,

Messrs. Proffitt and Bright were added to the select committee to which bill No. 273, for the relief of the securities of N. W. Sexton, late collector of Laporte county, was referred, with power to send for persons and papers.

Mr. Gregory presented the petition of sundry citizens of Warren and Fountain counties, praying for the location of a State road from Crawfordsville to Independence;

Which was referred to a select committee of Messrs. Gregory, Bryce, and McCormick.

Mr. McCormick presented the petition of Abraham Hyborger and others, praying for the election of an additional justice of the peace in Jackson township;

Referred to a select committee of Messrs. McCormick, Bryce, and Puett

Mr. Kilgore presented the petition of sundry citizens of Delaware county, praying a review on a State road therein named;

Which was laid on the table.

Mr. Smydth presented the petition of sundry citizens of Clay county, praying a change in the act incorporating the Clay county Female Seminary;

Referred to Messrs. Smydth, Cutter, and Champer.

On motion of Mr. Owen,

The order made by the House, in regard to the printing of the separate reports of the members of the Board of Internal Improvement was rescinded, so far as not to affect any thing the printers may have done toward the printing.

On motion of Mr. Clymer, on leave,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending the 27th section of the act regulating the duties of justices of the peace, approved Feb. 17, 1838; also the fourth section of the act subjecting real and personal property to execution, approved Feb. 4, 1831; also to amend an act subjecting real and personal property to execution, approved Feb. 1, 1838; with leave to report by bill or otherwise.

On motion of Mr. Proffitt,

Bill No. 65, To provide for the further construction of the Madison and Lafayette railroad, was taken up.

Mr. McClure withdrew his pending motion of reference, and instructions, and moved to refer said bill to a select committee, with instructions as follows:

Strike out, and report a bill appropriating three hundred thousand dollars on the Madison and Lafayette railroad, one hundred thousand dollars of which may be expended between Indianapolis and Crawfordsville, if in the opinion of the Board of Internal Improvement, the interest of the State will be promoted thereby; three hundred thousand dollars to be expended on the Michigan road north of Napoleon in the year 1839; one hundred thousand dollars of which may be expended between Napoleon and Indianapolis, and twenty thousand dollars of which may be expended between Michigan city in the county of Laporte and South Bend in the county of St. Joseph, if in the opinion of the Board of Internal Improvement, the interest of the State will be promoted thereby; and fixing rate of tolls and erecting toll gates thereon.

A division of the question being called;

The question was taken on recommitting to a select committee;

Which was agreed to.

Mr. McClure modified his instructions so as to report said bill with an amendment of \$400,000 for the Madison and Lafayette railroad, and \$200,000 for the Michigan road north of Indianapolis.

Mr. Champer moved to lay said instructions on the table;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Allison, Anderson, Arnold, Blair, Boon, Bowles, Brenton, Bright, Brown, Bryce, Carr of J., Carr of L., Champer, Chapman, Chiles, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Cutter, Devin, Dole, Earl, Field, Flint, Graham, Gregory, Hanna, Healey, Helmer, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Kenton, Kinney, Lane, Lee, Lewis, Marshall, Matson, McCarty, Morgan, Morrow, Owen, Parker, Proffitt, Puett, Reynolds, Riley, Rose, Sands, Smyth, Spann, Terrell, Townsend, Truelock, Willey, Williams, Wilson of H., Wines, and Wyman—67.

*Those who voted in the negative were*

Messrs. Alley, Baker, Bryant, Cline, Conaway, Egbert, Eggleston, Eldridge, Flint, Hendricks, Hurst, Judah, Kilgore, Major, McClure, McCormick, Milroy, Monroe, Nelson, Noel, Peaslee, Perine, Powell, Rush, Stewart, Townsend, Vance, Wilson of M., and Mr. Speaker—30.  
So said instructions were laid on the table.

Mr. Bright moved to instruct said committee to strike out of the bill \$600,000, and insert in lieu thereof \$400,000.

Mr. McClure moved to amend said instructions by adding \$200,000 for the Michigan road.

Mr. Marshall moved the previous question;

Which was seconded by a majority of the House.

The House also agreed to put the main question now;

Which was, shall the committee be instructed as proposed by Mr. Bright;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Allison, Arnold, Baker, Blair, Boon, Bowles, Brenton, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Champer, Chapman, Chiles, Cline, Clyner, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dole, Earl, Egbert, Eggleston, Eldridge, Field, Flint, Graham, Gregory, Hanna, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Major, Marshall Mason, McCarty, McCormick, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Parker, Peaslee, Perine, Powell, Proffitt, Puett, Reynolds, Riley, Rose, Rush, Sands, Smydth, Spann, Stewart, Terrell, Thompson, Townsend, Truelock, Vance, Willey, Williams, Wilson of H., Wines, Wilson of M., Wyman, and and Mr. Speaker—91.

*Those who voted in the negative were*

Messrs. Glass, Hurst, McClure, and McNary—4.

So said committee were so instructed.

Said bill was then referred to Messrs. McClure, Bright, and Marshall,

When Mr. Bright reported said bill back to the House amended as instructed; in which the House concurred;

And the question then occurred, Shall the bill pass?

And the ayes and noes being requested thereon.

*Those who voted in the affirmative were*

Messrs. Albertson, Allison, Arnold, Blair, Brenton, Bright, Bryant, Bryce, Carr of J., Carr of L., Champer, Clymer, Cogswell, Cooper, Cutter, Dole, Earl, Egbert, Eldridge, Field, Flint, Graham, Gregory, Hanna, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Judah, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Marshall, Matson, McCarty, McClure, McCormick, Morgan, Morrow, Nelson, Noel, Parker, Peaslee, Perine, Powell, Proffitt, Puett, Reynolds, Riley, Rush, Smydth, Spann,

Terrell, Thompson, Truelock, Vance, Willey, Williams, Wilson of H., Wilson of M., Wines, Wyman and Mr. Speaker—73.

*Those who voted in the negative were*

Messrs. Alley, Anderson, Baker, Boon, Bowles, Brown, Chapman, Chiles, Cline, Conaway, Cotton of P., Cotton of S., Devin, Eggleston, Glass, Jones, Major, McNary, Milroy, Monroe, Owen, Rose, Sands, Stewart, and Townsend—25.

So said bill passed.

Mr. Perine made the following report, in which the House concurred:

MR. SPEAKER—

The committee to which was referred so much of the message of the Governor as relates to the communication of the Governor of Michigan, and the resolution of the Legislature of that State, in regard to the improvement of the navigation of the St. Joseph river, respectfully report, That at the request of the committee appointed by the honorable the Senate, your committee met in conjunction with said committee, and as the report of said committee on the subject meets the entire approbation of your committee, which report and a joint resolution on the same subject is now before this House, your committee would respectfully ask to be discharged from the further consideration of the subject.

On motion, the House adjourned.

*Two o'clock, P. M.*

House met.

The Speaker laid before the House a communication from the Fund Commissioners;

Which was on motion of Mr. Graham, laid on the table, and two hundred copies ordered to be printed.

Mr. Kinney from the Judiciary committee, reported back to the House without amendment, bill

No. 141, for the relief of John Rodolph Fischli;

Which was read a third time and passed.

Mr. Egbert, on leave, introduced bill

No. 291, to provide for the improvement of the Michigan road north of Indianapolis;

Read and passed to a second reading on to-morrow.

Mr. Judah, on leave, joint resolution

No. 292, concerning standing committees;

Which was read twice and ordered to be engrossed for a third reading on to-morrow.

Mr. Hubbard, from the committee on ways and means, made the following report, in which the House concurred:

Mr. SPEAKER—

A majority of the committee of Ways and Means, whose duty it is to examine the offices of Treasurer and Auditor of State, the condition of the Treasury, and generally all things connected with the administration of the fiscal concerns of the State, submit the following

## R E P O R T :

That the committee have examined the books, papers, vouchers, warrants, and cash on hand in the offices of Treasurer and Auditor, and find the same correct. The books are neatly kept, and the various duties of both offices are, in the opinion of your committee, faithfully and diligently performed.

The following tables and abstracts present a detailed view of the present condition of the public finances, together with an estimate of their prospective operation.

Abstract No. 1, contains a statement of the assessments, collections, and payments into the Treasury for the year 1838, by which it will be seen that the nett amount of revenue for that year was \$172,447 21, and that the amount paid into the Treasury up to the close of the year was \$160,263 87.

Statement No. 2, exhibits the receipts and expenditures for the year 1838, by which it will be seen, that the balance remaining in the Treasury on the 1st day of January, 1839, was \$166,982 12.

Statement No. 3, exhibits a list of balances due the State from collectors of former years:

Statement No. 4, shews the available means of the Treasury for the current year, 1839, and an estimate of the expenditures for the same period, by which it will be seen, that after defraying the expenses of the year, there will remain in the Treasury \$35,276 37. This amount, if no appropriations be made, other than are now provided by law, may be safely set apart towards discharging interest on improvement loans, and which the committee recommend be so disposed of; the more particular manner of which the committee will hereinafter suggest.

The magnitude of the system of improvements, undertaken by the State, imposes upon the General Assembly, the obligation of providing undoubted means for the discharge of every public engagement, and in such manner as to insure confidence in our ability and readiness to fulfil with certainty and promptitude, every just expectation predicated upon the high credit which the State has hitherto sustained.

To carry out this, it will be indispensable to make some permanent legislative provision for the future regular payment of interest on the public debts.

While the committee have undoubted confidence in the means and resources of the State, and of the willingness of the people to contribute in aid of the great work in which the State has embarked, nevertheless it is requisite, that, when necessary to draw upon the resources, by taxation, the burthens should be equitably and equally imposed, and limited in their extent, to the lowest possible amount required to discharge the best obligations of the State.

After surveying the whole ground, and consultation and advice with public officers and others conversant with the public finances, the committee have arrived at the conclusion that the revenue system at this time most advisable, is presented in the following outlines of the revenue bill which the committee will report to the House, and the passage of which they recommend.

*For the Ordinary Expenses of the State.*

1st. A poll tax of \$1 on each poll.

2nd. A tax of \$5 on professions, to wit: \$5 on each practising lawyer and physician.

3d. A tax on public officers, viz: \$10 each on members and officers of the General Assembly, Treasurer, Auditor, and Secretary of State, and public Printers, and of \$5 each on Clerks of the circuit court, Recorders, and Sheriffs.

A Statement No. 5, is herewith appended, exhibiting the results of receipts and expenditures of the State for 1840, based upon this proposition, by which it will be seen that the assessments for 1839 will produce an adequate amount to meet the disbursements of 1840.

*For providing means to pay interest on Improvement Loans.*

By a property tax of 30 cents on each \$100 of valuation of taxable property, for the years 1839, 1840, and 1841; and a levy of 25 cents on each \$100 for the years 1842, 1843, and 1844, and a levy of 20 cents on the \$100 for each of the years 1845, 1846, 1847, 1848, and 1849, an amount may be realized sufficient, (with other means enumerated in the report of the Principal Engineer) to discharge the entire amount of interest on the improvement loans down to the year 1850.

The committee have made a careful calculation for each year, with a view of ascertaining the amounts necessary to be levied in each year to meet the interest required to be paid. Tables of the results of these calculations, together with a tabular recapitulation of the whole, is hereunto appended.

It is just and proper to say, that the committee have adopted the estimate of means to be derived from other sources than taxation from the recent report of the Principal Engineer, and also the amount assumed as the aggregate valuation of taxables in each year.

The committee deem it proper also to state their entire confidence

in the fidelity of those estimates; but as some of the estimates rest upon the assumption that legislative action will be had upon the subject of increasing the bank stock, and directing a more concentrated operation upon the public works, so as speedily to place some of them in a productive state, it will be obvious that, should the General Assembly fail to enact these provisions, so much as was anticipated from the sources thus defeated, will require to be provided for in some other form.

In arranging the tax to be levied for a series of years, and reducing the amount at intervals, it necessarily occurs, that in some years there will be a deficit, and in others an excess. The principal deficits will occur in the first two years, after which there will be an excess for the next succeeding four years. The deficit of 1840, however, will be readily met by the surplus which will remain in the treasury at the close of 1839. As the deficits and excesses of the remaining years alternate, it is presumed that no inconvenience will arise. By reference to the tabular statement at the close of this report, it will be seen, that of the 11 years embraced in the calculation, in 7 of them there will be an excess, and in 4 there will be a deficit.

Although objections may be made to the mode proposed for raising revenue; to defray the ordinary expenses of the State, yet the committee cannot believe that any serious opposition will be made to the proposition, when the fact is obvious, that a poll tax of \$1 is low in proportion to the property tax, and that those who pay on property, also pay a poll tax the same as those not paying property tax.

The benefits of the government and the administration of the laws, are alike a protection and a blessing to all; and surely no citizen enjoying these, will object to pay the small sum of \$1 annually for the support of the government.

The propriety of taxing officers and professions, the committee think, cannot be doubted, as the possession of the one, and the acquirements usual in the other, are equal in their profits and advantages, to an amount of (other) capital sufficient at least to charge them under our revenue laws, with a tax equal to that now proposed.

As the proper officers have made the necessary arrangements for the interest on the public debt for 1839, the committee have omitted that year in their estimates.

In accordance with these suggestions and recommendations, the committee will report: A bill prescribing the mode of levying the taxes; A bill presenting the duties of county treasurer, by which the treasurer is made the collector, and the fees for collection reduced; A bill prescribing the duties of county auditor, and providing for his appointment; A bill providing for the redemption and final disposition of lands sold for taxes.

R. J. HUBBARD,  
*Chairman.*

Receipts.	D. C.	D. C.
There was remaining in the treasury, on the 1st of January, 1839, - - -		138,914 45
There has been received at the treasury, as follows:		
On account of revenue for 1836	425 69	
" " " " 1837	10,946 73	
" " " " 1838	160,263 87	
		171,636 29
From agent of State for Indianapolis,	6,522 70	
" Michigan Road Commissioner	4,585 39	
" Incidental payments on candles sold	6 50	
		11,114 59
" Sales of lands in Seminary townships	3,307 00	
" " Salineland	1,666 62	
		4,973 62
" Borrowers of Saline fund (refunded)	1,100 00	
" Borrowers of College fund (refunded)	5,216 00	
		6,316 00
" Borrowers of College fund (in interest)	4,767 74	
" Borrowers of Saline fund (in interest)	2,151 52	
		6,919 26
Total amount of receipts		339,874 21
Add to this the following outstanding war- rant No. 3381, Wolf		6 00
		339,880 21
		339,880 21

January 1st, 1838, to January 1st, 1839.

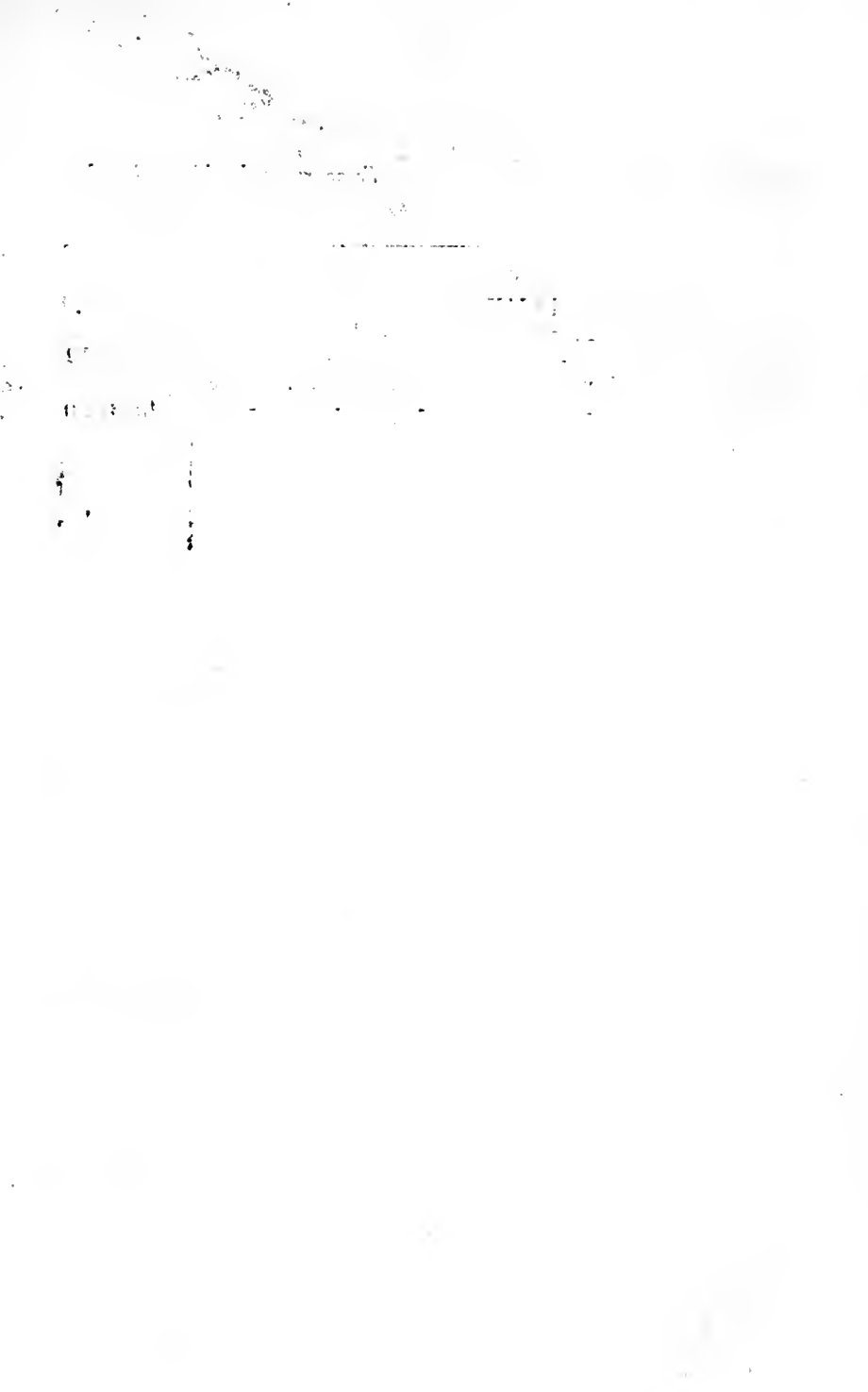
[No. 2.]

Expenditures.	D. C.	D. C.
There has been expended since the first day of January, 1838, as follows, viz:		
For pay of memb'rs & expen. incid'nt to legislat'n	13,412 68	
" Public printing, stationary, wood, &c.	18,545 05	
" Specific appropriations	6,987 63	
" Contingent fund expended	1,107 95	
" Wolf scalps redeemed	388 00	70,441 31
" Salaries of Probate Judges	3,061 50	
" Salaries of Supreme and President Judges	14,274 53	
" Salaries of Executive officers	2,977 80	
" Salaries of Prosecuting Attorneys	1,178 21	
" Salary of State Geologist (in part)	375 00	21,867 04
" Salary of Adjutant & Quar. Master Gen'l.	150 00	
" Expenses and repairs of State House	300 00	
" Additions to State Library & pay of librarian	391 45	
" Expenses in conveying convicts to St's. prison	871 99	
" Estates reclaimed by heirs	345 69	2,059 13
" Unsettled balance of expenses of last Presidential election - - - -	2 00	
" Amount expended on Michigan road	4,450 00	
" Amount refunded to counties for school money of 1836 - - - -	1,288 68	
" Expenses incident to seat of Government	1,419 53	
" Am't to Fund com'rs. for internal impr'ts.	50,000 00	
" Amount distributed of conscientious fines	7 00	57,167 21
" Amount of loans of Seminary fund	14,725 00	
" Amount of loans of Saline fund	5,965 00	20,690 00
" Expenses of State University	449 58	
" Expenses of Saline fund	156 32	605 90
Total of expenses		172,830 59
Outstanding warrants at last report, but since redeemed - - - -		67 50
		172,898 09
Add to this, balance in the treasury this day		166,982 12
		339,880 21

## No. 2.

**ABSTRACT No. 3.**—Being a list of balances against delinquent Collectors of State Revenue from 1st January, 1822, to 1st January, 1838.

County.	1822	1823	1824	1825	1826	1827	1828	1833	1834	1835	1836	1837	1838	Remarks.
Allen	D. C.													
Clark	-	-	-	-	-	-	-	-	-	-	-	-	D. C.	
Decatur	-	923 00	-	-	-	-	-	-	-	-	-	-	718 74	No settlement
Floyd	-	-	-	-	-	-	176 32	-	-	-	-	-	-	
Huntington	184 15	733 84	-	-	-	-	-	-	-	-	-	-	-	
Jackson	224 50	-	-	-	-	-	-	-	45 00	52 22	-	-	223 09	No settlement
Jefferson	-	33 74	-	571 32	-	326 03	-	-	-	-	-	-	-	
Marshall	-	-	-	-	-	-	-	-	-	-	-	-	-	
Madison	-	-	-	-	-	59 94	-	-	-	-	-	-	315 34	No settlement
Martin	203 94	217 19	-	-	-	-	-	-	-	-	-	-	-	
Lagrange	-	-	-	-	-	-	-	-	-	-	-	-	-	
Tippecanoe	-	-	-	-	-	-	-	-	-	-	-	-	254 35	No settlement
Vanderburgh	-	-	-	-	-	-	-	-	-	-	-	496 51	55 06	Bal of '35 since pd
Vigo	-	-	-	-	-	-	-	-	-	-	-	-	35 02	
Wayne	-	-	-	-	-	-	-	-	-	-	-	-	1,784 05	No settlement
Wayne	-	-	-	-	-	29 03	-	-	-	-	-	-	251 57	
Pike	-	-	-	-	-	-	-	29 87	-	-	-	-	-	
Posey	-	-	-	-	203 05	-	261 28	-	-	-	-	-	-	
Scott	-	-	104 32	-	-	-	-	-	-	-	-	-	-	
Spencer	-	-	-	-	-	-	-	-	-	-	-	491 58	-	
Switzerland	-	-	-	-	-	303 83	-	-	-	-	-	-	-	
	612 59	1,907 77	104 32	571 82	203 05	718 83	437 60	29 87	45 00	52 22	-	988 09	3,637 22	





## STATEMENT No. 4.

*penses for the Year 1839, and Estimate of the Demands upon the Treas-*  
*same period.*

ESTIMATED EXPENDITURES FOR 1839.		D.	C.
To amount which will be required for salaries of Judges and Prosecutors	- - - - -	19,000	00
Executive officers	- - - - -	4,000	00
Printing, stationery, and binding and distributing the laws	- - - - -	15,500	00
Legislature, including clerks and officers	- - - - -	40,000	00
Contingent and specific appropriations	- - - - -	7,000	00
Probate Judges	- - - - -	3,500	00
Wolf Scalps	- - - - -	250	00
State Prison	- - - - -	1,250	00
State Library	- - - - -	400	00
Adjutant and Quarter-Master Generals	- - - - -	150	00
State House	- - - - -	1,500	00
Geological Survey, (being for 1838 and 1839)	- - - - -	3,500	00
School moneys to be refunded	- - - - -	500	00
Seat of Government (including Library fund)	- - - - -	1,760	00
Unaudited claims for expenses of 1838	- - - - -	4,500	00
Internal Improvement, (being balance of the avails of 5 cents. in the 100 valuation set apart for that purpose)	- - - - -	40,000	00
Estates without heirs to be refunded	- - - - -	1,532	69
Conscientious fines to be distributed	- - - - -	536	00
Amount due saline fund	- - - - -	1,327	06
Balance subject to be applied to the interests on the improvement debt or otherwise as the legislature may determine	- - - - -	136,205	75
		35,276	37
		171,482	12

## STATEMENT No. 5.

*BEING an Estimate of the Receipts and Ordinary Expenditures of the  
mittee of Ways and Means, and the Revenue Bill*

R E C E I P T S .	D. C,
Estimated amount to be realized from a poll tax of \$1 00 on each poll for the year 1839	85,000 00
Estimated amount to be derived from a tax of \$5 00 on each practising physician and lawyer	3,360 00
Tax of \$5 00 on each clerk, sheriff and recorder	1,260 00
Tax on each member and officer of the General Assembly, Treasurer, Auditor and Secretary of State, and public printer of \$10 00 each	1,560 00
Incidental expenses	5,000 00
	<u>96,180 00</u>

**STATEMENT No. 5.**

*State for the Year 1840, founded upon the recommendation of the Com-  
which the Committee will report to the House.*

EXPENDITURES.	D. C.
Estimated amount necessary to defray the ordinary ex- penses of the state for 1840	94,200 00
	<u>94,200 00</u>

Leaving an estimated balance in the Treasury on the 30th Novem-  
ber, 1840, of \$1,980.

The following statements will exhibit the estimated amounts required to pay interest on improvement loans. The amount estimated from other sources than taxation, as part of the means of paying the same, and the amount estimated from taxation for each year, from 1839 to 1849, at a rate of taxation of 30 cents on the \$100 for 1839, 1840, and 1841; and of 25 cents on the \$100 for 1842, 1843, and 1844; and of 20 cents on the \$100 for 1845, 1846, 1847, 1848, and 1849.

## 1840.

The amount required to pay interest on improvement loans this year, will be	\$412,500
To pay which, will be income on bank stock, interest on canal lands, and 3d instalment of surplus revenue, and canal and road tolls, and rents of water power	112,641
A tax of 30 cents on the \$100 of the assessment of 1839, (the aggregate of which, is estimated at \$106,000,000) will produce after deducting 15 per cent. for delinquencies and cost of collection	279,400
	<hr/> 382,941
	<hr/> 29,559
Deficit this year \$23,559.	<hr/> <hr/>

## 1841.

The amount required to pay interest on improvement loans this year, will be	510,000
To pay which, will be income on bank stock, interest on canal lands and 3d instalment of surplus revenue, and canal and road tolls, and water-power	175,641
A tax of 30 cents on each \$100 of the assessments of 1840, (which is estimated at \$116,000,000) will produce after deducting delinquencies and cost of collection	295,800
	<hr/> 471,441
	<hr/> 38,559
Deficit this year \$38,559.	<hr/> <hr/>

## 1842.

The amount required to pay the interest on improvement loans this year, will be	600,000
To pay which, will be income on bank stock, interest on canal lands, on 3d instalment of surplus revenue, and canal and road tolls, and water power	284,441
A tax of 30 cents on each \$100 of the assessments of 1841, (which is estimated at \$128,260,000) will produce, after deducting delinquencies and cost of collection	327,063
	<hr/> 611,504
	<hr/> 11,504
	<hr/> <hr/>
Showing an excess of \$11,504.	

## 1843.

The amount required to pay interest on improvement loans this year, will be	690,000
To pay which, will be income on bank stock, interest on canal lands, on 3d instalment of surplus revenue, and canal and roads tolls, and water power	390,796
A tax of 25 cents on each \$100 of the assessments of 1842 (which is estimated at \$151,086,000 which will produce, after deducting delinquencies and cost of collection	299,808
	<hr/> 690,604
	<hr/> 604
	<hr/> <hr/>
Shewing an excess of \$604.	

## 1844.

The amount required to pay interest on improvement loans this year, will be	780,000
To pay which will be income on bank stock, interest on canal lands, on 3d instalment of surplus revenue, and canal and road tolls, and water power	487,151

A tax of 25 cents on each \$100 of the assessments of 1843 (which is estimated at \$155,194,060) will produce, after deducting delinquencies and cost of collection

329,789	
<hr/>	816,940
	<hr/>
	36,940
	<hr/>
	<hr/>

Excess this year \$36,940.

## 1845

The amount required to meet interest on improvement loans this year, will be

870,000

To pay which there will be income on bank stock, interest on canal lands, on 3d instalment of surplus revenue, and canal and road tolls, and water power

558,151

A tax of 25 cents on each \$100 of the assessments of 1844 (which is estimated at \$170,714,000) will produce, after deducting delinquencies and cost of collection

362,768	
<hr/>	928,919
	<hr/>
	50,919
	<hr/>
	<hr/>

Excess this year, \$50,919.

## 1846,

The amount required to pay interest on improvement loans this year, will be

967,500

To pay which, will be income on bank stock, interest on canal lands, on 3d instalment of surplus revenue, and canal and road tolls, and water power

639,151

A tax of 20 cents on the \$100 of the assessments of 1845, (which is estimated at \$184,371,100,) will produce, after deducting delinquencies and cost of collection

313,431	
<hr/>	952,582
	<hr/>
	24,918
	<hr/>
	<hr/>

Deficit this year, \$24,918.

1847.

The amount required to meet interest on improvement loans this year, will be	1,072,500
To pay which will be income on bank stock, interest on canal lands, on 3d instalment of surplus revenue and canal and road tolls, and water power	720,151
A tax of 20 cents on the \$100 of the assessments of 1846, (which is estimated at \$199,129,700,) will produce, after deducting as before	338,505
	<hr/> 1,058,656
	<hr/> 13,844
Deficit this year, \$13,844.	

1848.

The amount required to meet interest on improvement loans this year	1,177,500
To pay which will be income on bank stock, interest on canal lands, on 3d instalment of surplus revenue, and canal and road tolls, and water power.	810,651
A tax of 20 cents on each \$100 of the assessments of 1847, (which is estimated at \$215,050,300,) which will produce, after deducting delinquencies and cost of collection	365,585
	<hr/> 1,176,236
	<hr/> 1,264
Deficit this year, \$1,264.	

1849.

The amount required to pay interest on improvement loans this year	1,282,500
To pay which will be income on bank stock, interest on canal lands, on 3d instalment of surplus revenue, and canal and road tolls, and water power	890,651

A tax of 20 cents on each \$100 of the assessments of 1848, (which is estimated at \$232,254,300,) will produce, after deducting delinquencies and cost of collection

394,832	
<u>          </u>	1,285,483
	<u>          </u>
	<u>2,983</u>

Excess this year, \$2,983.

1850.

The amount required to pay interest on improvement loans this year

1,335,000

To pay which will be income on bank stock, interest on canal lands, on 3d instalment of surplus revenue, and canal and road tolls, and water power

970,651

A tax of 20 cents on each \$100 of the assessments of 1849, (which is estimated at \$250,834,600,) will produce, after deducting delinquencies and cost of collection

426,419	
<u>          </u>	1,397,070
	<u>          </u>
	<u>62,070</u>

Excess this year, \$62,070.

## TABULAR RECAPITULATION.

Years.	Total am't required to pay interest on loans for each year, agreeably to report of P <sup>r</sup> l Engineer.	Estimated am't to be derived fr'm other sources than taxation, by report of Engineer.	Rate of taxation proposed in bill reported.		Amount necessary to be raised by taxation to meet balance of interest.	Excess which will be produced over amount required.	Deficit in amount derived from taxes to meet the interest.
	Dollars.	Dollars.	C.	D.	Dollars.	Dollars.	Dollars.
* 1840	412,500	112,641	30	on 100	370,300		29,559
1841	510,000	175,641	"	"	295,800		38,559
1842	600,000	284,441	"	"	327,063	11,504	
1843	690,000	390,796	25	"	299,808	604	
1844	780,000	487,151	"	"	329,789	36,940	
1845	870,000	558,151	"	"	362,768	50,919	
1846	967,500	639,151	20	"	313,431		24,918
1847	1,072,500	720,151	"	"	338,505		13,844
1848	1,177,500	810,651	"	"	365,585		1,264
1849	1,282,500	899,651	"	"	394,832	2,983	
1850	1,335,000	970,651	"	"	426,419	62,070	

\*NOTE.—In the above table, the rate of taxation, and the amount raised therefrom, are placed opposite the year in which the money is realized, and to which it is made applicable to the discharge of interest, but the assessments are in each case made in the antecedent year, so that the amount raised from taxation and set opposite 1840, is the product as the assessments of 1839, and on a levy of 30 cents on the \$100. The same is the case with all the succeeding years, the amount raised and the rate of taxation being of the previous year.

The House concurred in the report; and,

On motion, 200 copies were ordered to be printed.

On motion of Mr. Judah, said report was laid on the table.

Mr. Hubbard, from the same committee, reported bills,

No. 293, to provide for the appointment of County Assessors;

Read and passed to a second reading on to-morrow.

No. 294, prescribing the duties of County Auditors;

Read twice, and laid on the table.

No. 295, prescribing the duties of County Treasurers;

Read and passed to a second reading on to-morrow.

Mr. McClure, from the Judiciary committee, reported bill

No. 296, to amend An act organizing Circuit Courts, and defining their powers and duties;

Which was read twice, when,

Mr. Chiles moved to indefinitely postpone it.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Alley, Allison, Arnold, Baker, Blair, Bowles, Chiles, Cline, Conaway, Cutter, Devin, Field, Graham, Healey, Helmer, Herriman, Hubbard, Hunt, Jackson, Johnson of Monroe, Jones, Mason, McCormick, McNary, Noel, Perine, Riley, Rose, Smydth, Stewart, Townsend, Truelock, Williams, Wines,—36.

*Those who voted in the negative were*

Messrs. Albertson, Anderson, Boon, Bright, Bryant, Bryce, Carr of J., Champer, Chapman, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Dumont, Earl, Egbert, Eldridge, Flint, Glass, Hanna, Hendricks, Hurst, Johnson of Marion, Judah, Kenton, Kinney, Lane, Lee, Lewis, Marshall, Matson, McClure, Milroy, Monroe, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Powell, Reynolds, Terrell, Thompson, Vance, Willey, Wilson of H. Wilson of M., Wyman—52.

So said bill was not indefinitely postponed.

Mr. Townsend moved to amend said bill by adding that members of the General Assembly shall hereafter receive only two dollars per day for their services.

Mr. Owen moved the previous question,

Which was seconded.

The House then agreed that the main question should now be put, Which was, Shall the bill be engrossed?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Blair, Boon, Bright, Brown, Bryant, Bryce, Carr of J. Champer, Cogswell, Cotton of P., Cotton of S., Dumont, Earl, Egbert, Eggleston, Flint, Gregory, Hanna, Hendricks, Hurst, Johnson of Marion, Judah, Lane, Lewis, Major, Matson, McClure, Milroy, Morgan, Monroe, Morrow, Nelson, Owen, Parker, Peaslee, Powell, Rush, Terrell, Thompson, Vance, Willey, Wilson of H., Wyman, and Mr. Speaker—48.

*Those who voted in the negative were*

Messrs. Allison, Arnold, Baker, Brenton, Carr of L., Chapman, Chiles, Clymer, Conaway, Cutter, Devin, Dole, Eldridge, Field,

Glass, Graham, Healey, Helmer, Herriman, Hunt, Jackson, Johnson of Monroe, Jones, Kenton, Kinney, Lee, Marshall, Mason, McCormick, McNary, Noel, Perine, Reynolds, Riley, Rose, Sands, Smydth, Spann, Stewart, Townsend, Truelock, Williams, Wilson of M., and Wines—45.

So said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Bright, from the Judiciary committee, reported bill

No. 241, for the relief of Henrietta Ames and Charles Dewey;

Which was read a second and third time and passed.

Mr. Thompson, from the committee on claims, reported bill

No. 297, for the relief of Nathan Greggs;

Which was read twice and ordered to be engrossed for a third reading on to-morrow.

Mr. Hanna, from the Judiciary committee, reported bill

No. 298, for the relief of John Miller, and Lavina his wife;

Which was read and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Test, their principal Secretary:

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill thereof,

No. 155, entitled An act for the benefit of George Harland; in which the concurrence of the House is respectfully requested.

Said bill was read three times and passed, the rule being suspended.

Mr. Morgan, from the joint committee on enrolled bills, reports:

**MR. SPEAKER—**

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills and joint resolutions of the House, with the enrolled bills and joint resolutions, and find the same correctly enrolled, viz:

No. 37, A joint resolution concerning the State Library.

No. 71, An act for the relief of Mary Jane Peck.

No. 116, An act to authorize John Davis to convey certain property therein named.

No. 120, An act concerning the Logansport and Chicago State road.

No. 122, An act for the relief of William W. Wilson.

No. 124, An act to amend an act entitled An act to establish certain State roads therein named, and for other purposes, approved February the 17th, 1838.

No. 239, An act to legalize the election of the Probate Judge of the county of Kosciusko, approved January 24th, 1839.

MR. SPEAKER—

The committee on enrolled bills report, that they have this day compared the enrolled with the engrossed bills of the House,

No. 216, An act legalizing the report of James Holliday, late collector of Tippecanoe county, and extending the time for completing the collection of the revenue of said county for the year 1838; and,

No. 245, An act to provide for a resurvey of the enlargement of the town of Jeffersonville, and find the same correctly enrolled.

MR. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the engrossed bill of the House,

No. 225, entitled An act to amend an act entitled An act to organize Probate Courts, and defining the powers and duties of Executors, Administrators, and Guardians, and find the same correctly enrolled.

Mr. Peaslee, from a select committee, to which was referred bill No. 54, for the improvement of the Michigan road north of Napoleon;

Reported the same back to the House with an amendment.

On motion of Mr. Bryce,

Said bill and report were laid on the table.

Mr. McClure, from a like committee, reported back to the House with an amendment, bill

No. 267, for the improvement of the Michigan road north of Indianapolis.

Mr. Chiles moved to lay said report and bill on the table;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Allison, Arnold, Baker, Blair, Boon, Carr of S., Chiles, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Earl, Eggleston, Field, Healey, Helmer, Hendricks, Hubbard, Hurst, Jackson, Johnson of Monroe, Jones, Kenton, Kinney, Lane, Lewis, Matson, McCarty, McNary, Monroe, Morgan, Morrow, Noel, Owen, Puett, Rose, Sands, Stewart, Townsend, Truelock, Willey, Williams, Wilson of H., Wyman—49.

*Those who voted in the negative were*

Messrs. Brenton, Bright, Bryant, Carr of J., Champer, Chapman, Cline, Clymer, Cogswell, Dole, Egbert, Eldridge, Flint, Glass, Graham, Gregory, Hanna, Herriman, Johnson of Marion, Kilgore, Lee, Major, Marshall, Mason, McClure, McCormick, Nelson, Parker, Peaslee,

Perine, Powell, Riley, Rush, Smydth, Spann, Terrell, Thompson, Vance, Wilson, of M., Wines and Mr. Speaker—41.

So said bill and report were laid on the table.

Mr. Cotton of S., from a select committee to which was referred bill of the Senate

No. 98, for the relief of Catharine Falkner, reported the same back to the House without amendment;

Said bill was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Hurst, from a select committee, made the following report, in which the House concurred.

**MR. SPEAKER :**

The committee to whom was referred the bill to amend an act entitled An act authorizing the appointment of pilots at the falls of the river Ohio in this State, approved February 7, 1825; together with sundry petitions and remonstrances on that subject, have had the same under consideration, and are of opinion that legislation on that subject is unnecessary, and directed me to report that the bill be indefinitely postponed.

Mr. Morgan, from a select committee, reported bill

No. 299, to incorporate the Indianapolis, Brookville, and Rushville turnpike companies;

Which was read twice, and referred to the committee on corporations.

Mr. Cotton of P., from like committee, reported

No. 300, to locate a State road in Perry and Crawford counties;

Read twice and referred to the committee on roads.

Mr. Sands, from like committee, reported bill

No. 301, to locate a State road in Crawford county;

Read and passed to a second reading on to-morrow.

Mr. Jones, from like committee, reported bill

No. 302, to locate a State road therein named;

Which was read twice, and referred to the committee on roads.

Mr. Cline, from like committee reported bill

No. 303, to locate a State road therein named;

Read twice and referred to the committee on roads.

On motion of Mr. Cutter,

*Resolved*, That the committee on military affairs be and they are hereby instructed to report a bill to this House as speedily as practicable, revising or repealing the militia laws of this State, and providing for a reorganization of the militia upon principles which shall more effectually secure the respect and approbation of the people at large, and diffuse a spirit throughout the land more in consonance with that ancient but most prudential maxim, "in peace prepare for war."

On motion of Mr. Wines,

*Resolved*, That the Board of Internal Improvement be requested to

furnish this House with copies of any orders issued by the Board or any Engineer, in relation to the contract of Mr. McGinley for the Silver creek bridge, and also of any correspondence in reference to this contract.

Mr. Noel introduced bill

No. 304, to incorporate the town of Rockville in Parke county;

Which was read twice, and referred to the committee on corporations.

Mr. Powell,

No. 305, concerning the Shelby county Seminary;

Read three times and passed, (rule suspended,)

Mr. Truelock, memorial and joint resolution

No. 306, on the subject of forfeited or condemned lands in the counties of Scott, Jackson and Clark.

Mr. Chapman,

No. 307, relative to the public works in the State.

Mr. McNary,

No. 308, to regulate the duties and jurisdiction of justices of the peace in Putnam county.

Mr. Peaslee,

No. 309, to provide for a relocation of that part of the Madison and Lafayette railroad which lies between Vernon and Indianapolis.

Mr. Riley,

No. 312, to legalize certain proceedings in Martin county;

Each of which was read and passed to a second reading on to-morrow.

Mr. Truelock,

No. 310, to alter the line between the counties of Scott and Jefferson;

Which was read twice, and referred to a select committee of Messrs. Bright, Truelock, and Spann.

Mr. Jackson,

No. 311, to incorporate the Dalton steam mill manufacturing company;

Which was read twice, and referred to the committee on corporations.

On motion, House adjourned until nine o'clock to-morrow.

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FRIDAY, JANUARY 25, 1839.

House met pursuant to adjournment.

On motion of Mr. Bryce,

The rules of the House were suspended for the purpose of going into the orders of the day, bill

No. 262, to incorporate the Anderson and Greenfield trust and turnpike company,

Was taken up, read a third time and passed.

*Ordered*, That the Senate be informed thereof.

Bills on second reading—

No. 150, to incorporate the Indiana Merchants' Institute;

Which was read and referred to the committee on corporations.

No. 149, to authorize the refunding of moneys in certain cases.

Which was read and ordered to be engrossed for a third reading on to-morrow.

No. 151, to authorize the raising of \$75,000 by lottery for the grading of a street in Jeffersonville;

Read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 152, memorial and joint resolution to authorize Patrick McGinley to sue the State;

Which was read and referred to a select committee of Messrs. Wines, Milroy, Owen, Gregory and Marshall, with power to send for persons and papers.

Message from the Governor by John M. Wallace, his secretary.

MR. SPEAKER—

I am directed to inform the House of Representatives, that His Excellency the Governor has approved and signed the following bills, which originated in the House of Representatives.

No. 15—An act to repeal a part of an act entitled An act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence and Green, approved February 1st, 1834;

No. 24—An act authorizing the sale of certain school lands in the county of Sullivan;

No. 45—An act to change the mode of doing county business in the county of Hendricks;

No. 10—An act for the relief of Aaron Rawlings, collector of Scott county for the years 1834-35;

No. 6—An act amendatory of an act entitled An act to amend an act entitled An act to provide for a general system of internal improvement, approved January the 27th, 1836; approved February 17th, 1838.

No. 39—An act appointing and authorizing Isaac Colman, as a commissioner, to make deeds in behalf of George Hollingsworth's heirs, to the purchasers of certain lots in the town of Attica;

No. 50—An act providing for the mode of electing county commissioners in the county of Spencer.

No. 222—A memorial and joint resolution on the subject of the New Albany and Mt. Carmel railroad;

No. 245—An act to provide for a resurvey of the town of Jeffersonville;

No. 225—An act to amend an act entitled An act to organize Probate Courts and defining the powers and duties of executors, administrators and guardians;

No. 216—An act legalizing the report of James Holliday late collector of Tippecanoe county, and extending the time for completing the collection of the revenue of said county for the year 1838;

Mr. Morgan reports:

**MR. SPEAKER—**

The joint committee on enrolled bills report that they have this day compared the following engrossed bill of the Senate with the enrolled bill and find the same correctly enrolled, viz:

No. 4—An act to incorporate a steam mill company in the town of Parris;

No. 148, to amend an act entitled An act to provide for a general system of internal improvement,

Was read a second time, and on motion of Mr. Bryant laid on the table.

On motion of Mr. Owen, (leave granted,)

*Resolved*, That the Senate be respectfully requested to return to the House a message of the House delivered this morning, containing a bill for the relief of John Rodolph Fischli;

No. 153, relative to injury done the public works during the freshet of January 1838;

Was read a second time, and the rule being dispensed with, the question occurred, Shall the bill pass?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Alley, Anderson, Baker, Boon, Bowles, Brenton, Bright, Brown, Bryant, Bryce, Carr of J., Chapman, Cline, Clymer, Cooper, Conaway, Cutler, Dole, Earl, Egbert, Eggleston, Eldridge, Glass, Graham, Gregory, Hanna, Herriman, Healey, Hendricks, Hunt, Johnson of Marion, Kenton, Kilgore, Lee, Major, Marshall, Matson, McCarty, McClure, McCormick, Milroy, Monroe, Morgan, Morrow, Nelson, Peaslee, Perine, Powell, Proffitt, Reynolds, Rush, Stewart, Terrell, Vance, Wilson of M., Wines, Wyman and Mr. Speaker—59,

*Those who voted in the negative were*

Messrs. Albertson, Allison, Arnold, Champer, Chiles, Cotton of S., Cotton of P., Dumont, Flint, Helmer, Hubbard, Jackson, Johnson of Monroe, Jones, Kinney, Lane, Lewis, Mason, McNary, Noel, Parker, Puett, Riley, Rose, Sands, Townsend, Truelock, Willey, Wilson of H.—23.

So said bill passed.

*Ordered*, That the Senate be informed thereof.

No. 41, of the Senate to amend an act entitled An act dividing the State into Judicial circuits, and fixing the times of holding courts,

Was read a second time, when on motion of Mr. Cotton, amended as follows, to-wit:

That the courts in the third Judicial circuit shall be held as follows, viz:

In the county of Franklin on the third Mondays in February and August, in the county of Decatur on the first Mondays in March and September, and in the county of Ripley on the second Mondays of March and September, in the county of Jennings on the third Mondays of March and September, in the county of Jefferson on the fourth Monday of March and the second Monday of June and the fourth Monday of September, in the county of Switzerland on the second Monday of April and October, in the county of Dearborn on the fourth Mondays of April and October; and the court may sit eighteen days each term if the business requires it in the counties of Jefferson, Switzerland and Franklin, the court may sit twelve days at each term if the business requires it, and in all the other counties of said circuit six days at each term, if the business requires it.

And before any further action had thereon,

On motion, House adjourned.

*Two o'clock, P. M.*

House met,

And proceeded to the consideration of the pending bill at adjournment.

Mr. Healey proposed the following amendment.

In the 1st section attach Henry to the 11th circuit.

2d. Insert in the 14th line of the 12th section after the word Jay the following, And in the county of Henry on the second Monday succeeding the commencement of the courts in the county of Randolph.

3d. In the 15th line of the 12th section after the word Randolph insert Henry.

4th. Strike out of the 1st and 7th sections of said bill creating the 6th circuit all that relates to the county of Henry.

5th. And add the following section: That the prosecutor elected the present session of the General Assembly for the sixth Judicial circuit, shall be and is hereby considered the prosecutor of the said 11th Judicial circuit.

Mr. Lewis moved to refer said bill and pending amendment to the Judiciary committee, with instructions to report a bill forming but one additional circuit.

Mr. Kilgore moved the previous question, which was seconded by a majority of the House.

The House also agreed that the main question should be now put,  
Which was, Shall the bill be ordered to a third reading?  
And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Blair, Bright, Bryant, Bryce, Carr of J., Champer, Chiles, Cline, Clymer, Cotton of S., Cutter, Dole, Earl, Egbert, Eldridge, Flint, Glass, Gregory, Hanna, Helmer, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnson of Monroe, Jones, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Mason, Matson, McCarty, McNary, Morgan, Morrow, Nelson, Noel, Perine, Proffitt, Puett, Riley, Rush, Smydth, Terrell, Thompson, Truelock, Vance, Willey, Wilson of H., Wines, Wyman and Mr. Speaker—58.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Brown, Chapman, Cooper, Conaway, Cotton of P., Devin, Dumont, Graham, Healey, Johnson of Marion, Judah, Major, McClure, Milroy, Monroe, Owen, Parker, Peaslee, Powell, Reynolds, Rose, Sands, Spann, Stewart, Townsend, Williams and Wilson of M.,—35.

So said bill was ordered to a third reading.

On motion of Mr. Kilgore,

The rules of the House were further suspended;

When Mr. McClure moved to recommit the bill to a select committee.

Mr. Champer moved the previous question, seconded by a majority of the House.

The question then recurred, Shall the main question be now put?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Anderson, Brenton, Bright, Bryant, Bryce, Carr of J., Carr of L., Champer, Chiles, Clymer, Conaway, Cotton of S., Cutter, Dole, Earl, Egbert, Field, Flint, Glass, Gregory, Hanna, Helmer, Hendricks, Hubbard, Hunt, Jackson, Johnson of Monroe, Kenton, Kilgore, Kinney, Lane, Lewis, Mason, Matson, McCarty, McNary, Morgan, Morrow, Noel, Parker, Proffitt, Puett, Rose, Sands, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Willey, Wilson of H., Wines, Wyman and Mr. Speaker—57.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Arnold, Baker, Blair, Boon, Bowles, Brown, Chapman, Cline, Cooper, Cotton of P., Devin, Dumont, Eggleston,

Eldridge, Graham, Healey, Herriman, Hurst, Johnson of Marion, Judah, Major, McClure, Milroy, Monroe, Nelson, Owen, Peaslee, Perine, Powell, Reynolds, Riley, Rush, Townsend and Wilson of M.—37.

So it was decided to put the main question now, which was, Shall the bill pass.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Blair, Bright, Bryant, Bryce, Carr of L., Champer, Chiles, Clymer, Cotton of S., Dole, Earl, Egbert, Eldridge, Field, Flint, Glass, Gregory, Hanna, Helmer, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Monroe, Jones, Keaton, Kilgore, Kinney, Lane, Lee, Mason, Matson, McCarty, Morgan, Morrow, Noel, Proffitt, Puett, Smydth, Terrell, Thompson, Vance, Willey, Wilson of M., Wines, Wyman, and Mr. Speaker—50.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Brown, Carr of J., Chapman, Chne, Cooper, Conaway, Cotton of P., Cutter, Devin, Dumont, Eggleston, Graham, Healey, Johnson of Marion, Judah, Lewis, Major, McClure, McNary, Milroy, Monroe, Nelson, Owen, Parker, Peaslee, Perine, Powell, Reynolds, Riley, Rose, Rush, Sands, Spann, Stewart, Townsend, Truelock, Williams, and Wilson of H.—46.

So said bill passed.

No. 89, to incorporate the Harrison Insurance Company,

Was read a second time and referred to the committee on corporations.

No. 154, for the further improvement of Bussron and Turman's creeks,

Was read a second time, and the question being, Shall it be engrossed?

Mr. Noel moved the following amendment:

And that five thousand dollars be appropriated and expended on Raccoon and Sugar creeks in Pike county;

Which was lost.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Boon, Brown, Bryce, Carr of J., Champer, Cutter, Dole, Egbert, Glass, Hanna, Hubbard, Hunt, Hurst, Johnson of Marion, Judah, Lane, McClure, Morrow, Nelson, Noel, Peaslee, Powell, Proffitt, Puett, Rush, Smydth, Terrell, Thompson, Vance, Willey, Wilson of M., and Wines—37.

*Those who voted in the negative were*

Messrs. Anderson, Baker, Blair, Bowles, Bryant, Carr of L., Chapman, Chiles, Cline, Clymer, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Dumont, Earl, Eggleston, Eldridge, Field, Flint, Graham, Gregory, Healey, Helmer, Hendricks, Herriman, Jackson, Johnson of Monroe, Jones, Kenton, Lee, Lewis, Major, Marshall, Mason, Matson, McCarty, McNary, Milroy Monroe, Morgan, Parker, Reynolds, Rose, Sands, Stewart, Townsend, Truelock, Wilson of H., Wyman, and Mr. Speaker—51.

So said bill was not ordered to be engrossed.

No. 155, to amend an act entitled An act regulating the jurisdiction and duties of justices of the peace,

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 156, relative to the navigation of the Mississinawa river,

Was read a second time, and,

On motion of Mr. Graham,

Referred to the committee on canals and internal improvements.

Mr. Morgan made the following report:

**MR. SPEAKER—**

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills with the enrolled bills, and find the same correctly enrolled, viz:

A bill of the Senate, No. 155, An act for the benefit of George Harland;

A bill of the House, No. 241, An act for the relief of Henrietta Ames and Charles Dewey.

Message from the Senate by Mr. Test, their Principal Secretary:

**MR. SPEAKER—**

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 241—An act for the relief of Henrietta Ames and Charles Dewey, without amendment.

No. 157, to provide for the survey of a turnpike road from Green, field via Rushville to the Whitewater canal;

Was read a second time and referred to a select committee of Messrs. Peaslee, Chapman, Morgan, Alley, Powell, Rush, Johnson of Marion, and Cooper.

No. 158, to encourage agriculture and manufactures in the state,

Was read a second time, when,

Mr. Bowles moved to indefinitely postpone it;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Arnold, Baker, Blair, Bowles, Brenton, Cutter, Dumont, Graham, Hanna, Healey, Herriman, Johnson of Monroe, Judah, Major, Mason, Milroy, Monroe, Nelson, Peaslee, Powell, Puett, Riley, Sands, and Stewart—23.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Boon, Bright, Brown, Bryant, Carr of J., Carr of L., Champer, Chapman, Cline, Clymer, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Dolc, Earl, Eggleston, Egbert, Eldridge, Field, Flint, Glass, Gregory, Helmer, Hendricks, Hubbard, Hunt, Hurst, Jackson, Jones, Kenton, Lane, Lee, Lewis, Marshall, Matson, McCarty, McClure, McNary, Morrow, Owen, Parker, Perine, Reynolds, Rose, Rush, Smydth, Spann, Terrell, Thompson, Townsend, Truelock, Vance, Willey, Williams, Wilson of H., Wilson of M., Wines, and Mr. Speaker—63.

So said bill was not indefinitely postponed.

Mr. Stewart moved to amend said bill by striking out "five cents" and inserting in lieu thereof "thirty-five cents;"

Which did not prevail.

Mr. Arnold moved to strike out "fifteen" years and insert "ten;"

Mr. Perine moved to exempt three thousand dollars of capital;

Mr. Egbert moved to amend by exempting from all taxation; when,

On motion of Mr. Lewis,

Said bill and pending amendments were laid on the table.

No. 160, concerning crime and punishment,

Was read a second time; when,

Mr. Champer moved to amend said bill by repealing the first section of the professional gambling act;

Which did not prevail.

Mr. Willey moved to amend by striking out the section which repeals the the 45th section of the crime and punishment act. Lost.

On motion of Mr. Noel,

Amended by striking out "from and after publication in the Journal and Democrat;"

Then ordered to be engrossed for a third reading on to-morrow.

No. 163, for the relief of Jonah Primley, was read, and,

On motion of Mr. Perine, indefinitely postponed.

On motion of Mr. Milroy, leave granted,

*Resolved*, That a select committee be appointed with instructions to inquire into the expediency of attaching to the adjoining counties for judicial purposes, such portions of the Miami reservation as are not included in any organized county; with leave to report by bill or otherwise.

On motion, House adjourned.

SATURDAY, JANUARY 26, 1839,

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Fund commissioners in answer to a resolution of the House;

Which was read and laid on the table and two hundred copies ordered to be printed.

Also a communication from the Treasurer of State;

Which was referred to the committee on education.

Mr. Judah from a minority of the committee on ways and means, made the following report:

MR. SPEAKER—

The undersigned, a portion of the committee of ways and means, respectfully

### REPORT:

That they cannot assent to the report made by the chairman from a majority of that committee on the State finances.

By the rules of this House, it is made the duty of this committee "to inquire into the financial concerns of the State, and make a detailed report of the same." The undersigned cannot give their assent to this report, because it does not give that information which our constituents have a right to expect, and which is necessary for the just action of the House, relative to the situation of the various funds included in, and the various undertakings affecting "the financial concerns of the State."

If a proper investigation had been made, if it had been intended to have shown to the House, clearly and explicitly, the situation of the Wabash and Erie canal fund, and of the improvement fund, much less of the State Bank sinking fund, the report would not have stated, that no information is given as to the mode in which the interest on the improvement debt for 1839 is to be paid, because "the proper officers have made the necessary arrangements."

The undersigned assent fully to the principal stated in the report, that the "taxes should be equitably and equally imposed," but cannot assent to the taxes as proposed in the report, because they are clearly convinced, that the taxes there proposed are precisely in opposition to that principle.

The undersigned would gladly attempt to give a full detail of the State finances if circumstances would permit. But from this they are now precluded, and are compelled to suggest, respectfully, the hope, that the next committee on ways and means, in consequence of the proposed reduction of number, may be so organized as to be enabled to furnish the State, with a document of so much importance and in-

terest to the people, and of so much use to the House, as a full and connected report on all the financial concerns of the State would be.

The undersigned have no reason to believe that "the proper officers have made the necessary arrangements" for the payment of the interest, which will accrue during the year 1839, on the improvement debt. They have reason to believe that a portion of that interest at least, must be paid out of the principal borrowed; and they are not aware of any principal of public duty or of private faith, which could authorize them in concealing this fact from the House and from the people; on the contrary, they believe it their duty to make it known.

The undersigned ask the attention of the House to the document marked A, addressed to two of them, and signed by a majority of the Fund commissioners. That document is dated 21st December, 1838, and is signed by Messrs. Smith and Farrington. We learn from that report, that the amount of interest on the bonds sold, to be paid during the year 1839, by the State is \$287,169 25. There is another million of bonds which was expected to have been sold, and which must be sold if practicable, immediately, on which an additional interest for about six months will accrue, and which will, as we are informed, raise the sum to be paid by the state for interest in 1839, to \$314,519 25.

In the same document the Fund Commissioners state the total amount of funds provided to pay the interest at \$155,415 10, shewing a deficiency to be provided of \$159,104 15. The undersigned ask then, who are these "proper officers" who have made up this deficiency! From what source do they intend to procure this money, nearly equal in amount to the whole State revenue? From what law is their authority derived, that we shall thus confide in them? The report of the majority does inform the House that there will be a probable surplus in the treasury at the end of the year of about \$35,000. The undersigned believe that the estimate of the probable expenses for the legislature, printing, &c., for the present session is too small by near \$10,000, and that the surplus will not much, if any, exceed \$25,000. But let it be assumed at the full amount \$35,276 37, and this deducted from 159,104 15, still leaves a deficiency of \$123,927 78, which can only be paid from the principal borrowed, and which is equal to the product of a tax of fifteen and a half cents on each \$100 taxable property in the state as reported by the Auditor.

The undersigned are sincerely impressed with the difficulties of this situation, and are conscious that these must increase unless some mode of extrication be devised. But nevertheless, they cannot assent to the proposed taxes as reported by the majority. Taxes are just, precisely as they are levied on individuals in proportion to the benefit each derives from the government.

And hence, the man with \$100,000 worth of property should pay one hundred times more than the man with \$1,000 worth of property. But even this proportionate taxation is not always just; because a per centage which would not cause the least inconvenience to the man worth \$100,000 might directly affect the necessities of the

other; and this is the reason why in all *ad valorem* systems the poor man's property—property under a certain amount of value, is always exempted. But we ask if justice requires of us to exempt the poor man's property, his furniture and cow, and tools, to the amount of \$200, why should he pay a poll tax of one dollar, the same that the rich man pays? It would be better for the poor man that there should be no property exemption than to have a poll tax. In the one case he would be liable to pay thirty or sixty cents, but in the other he would be relieved from the payment of one dollar.

This is believed to be a just exposition of the principles of taxation, for the ordinary expenses of government; and is conclusive to show that the proposition to levy the ordinary expenses of the government, legislative, judicial, and executive, from particular classes of persons, each male between 21 and 60 years of age, and certain professional men and certain officers, is unjust, if not absurd. But to tax each of the individuals composing these unfortunate classes the same sum, is as ridiculous as it is unjust, for it seems to assume that the purses of all are of the same length. This is applicable to the poll tax—in addition, in reference to the tax on professional men, an equal tax per head seems to assume, that all professional men have the same talent, the same acquirements, the same industry and economy, and the same practice and profit; in other words, that all have the same bumps on the head equally cultivated. And so precisely with the proposed tax on certain classes of officers. Our public officers are paid too much, or just enough, or not enough. In the first case, the fees and salaries should be reduced, or in the third case they should be increased; but in the second case they should be let alone.

The report of the majority further proposes to levy a tax on property for improvement purposes. To this tax for this purpose, the undersigned cannot assent. To use the language of the whig Governor Seward of New York, in his late message: "Taxation for purposes of internal improvement would be unequal and oppressive." The least consideration will satisfy any mind that this position is undoubtedly true. The taxes operate on all the property within the State; but the improvements only benefit certain points and lines, and that benefit decreases in proportion as the distance from the line of improvement increases.

The undersigned then, cannot assent to a general property tax for improvement purposes, any more than to the proposition to levy the ordinary expenses of government, from an arbitrary tax on particular descriptions of persons.

If taxation must be resorted to for the purpose of improvement, that tax should be assessed on the counties and townships, in proportion to the interest of each in the various parts of the system.

It is believed that an increase of bank capital proportionate to the wants of the state, its resources and its business, will meet the deficiency of interest above the product of the present rate of taxation, on the constantly increasing polls and property of the state, and the undersigned respectfully suggest the formation of an internal improve-

ment sinking fund. The state has now the means to form the foundation for such a fund; and if once organized, the attention of the legislature would be directed to it, and continued efforts would be made to increase and render it productive.

To the formation and increase of such a fund, the following items could be now appropriated:

1st. All canal lands, all sums of money due for such, and the interest thereon.

2d. All tolls and rents for water power, &c.

3d. The interest of the first and second instalments of the surplus fund, so soon as the present five years appropriation shall expire.

4th. The whole Cohen compromise property.

5th. All profits on future state investments in bank stock.

6th. The original, and as yet unappropriated, capital in the twelve branches, being \$960,000.

SAMUEL JUDAH,  
G. P. R. WILSON,  
W. PARKER,  
A. M. PUETT.

OFFICE BOARD FUND COMMISSIONERS,  
*Indianapolis, Dec. 21, 1838.*

MESSRS. JUDAH AND G. P. R. WILSON:—

In reply to your note of yesterday, requesting a statement shewing the indebtedness of the state for any state purposes within the purview of our duties, up to the 1st day of December, 1838, with the amount of interest annually due thereon, with any information in our possession as to the means for the payment of principal or interest, we have the honor to present you with the following tabular statement of the amount of the several loans made by the state, the date, rate of interest, premium received on each, and the parties with whom made. The indebtedness of the state on account of state bonds sold is as follows:

*Bonds sold on account of Wabash and Erie Canal.*

Date of Sales.	To whom sold.	Bonds sold.	Rate of Int'est.	Premium per cent.	Amount of premium.	Tot. Am't loaned.
1832, August	18 J. D. Beers & Co., New York,	100,000	6 pr. ct.	13	13,260	
1835, Feb'y	28 Prime, Ward, King, & Co.	300,000	5 "	2	6,150	
" April	17 Secretary of War, Washington,	65,257 42 5	5 "	7	4,568 02	
" August	8 J. J. Cohen, jr., & Brothers, Baltimore,	200,000	5 "	5	10,000	
" Sept'r	8 Prime, Ward & King, New York,	40,000	5 "	5	2,090	
1836, July	1 Secretary of War at Washington,	2,742 58 5	5 "	7	191 98	
" "	28 J. J. Cohen, jr., & Brothers,	100,000	5 "	par		
" "	" Tho. Biddle & Co. & M. C. & B. Co.	139,000	5 "	1	1,390	
1837, June	20 Messrs. Christmas, L., P., & Coster,	30,000	5 "	par		
July	" Morris Canal & Banking Company,	350,000	5 "	2	7,000	
		1,327,000			44,560	

*Bonds sold on account of Internal Improvement Fund.*

Date of sales.	To whom sold.	Am't of Bonds.	Rate of Interest.	Premium per cent.	Am't of premium.	Tot'l sales.
1836 July 28	J. J. Cohen, jr., and Brothers	400,000	5 per ct.	par		
Nov. 16	Tho. Biddle & Co. and M. C. & B. Co.	450,000	5	1	4,500	
1837 July	Morris Canal and Banking Company	400,000	5	par		
Sept.	same	1,050,000	5	2	21,000	
Oct.	same	200,000	5	3	6,000	
1838 June 11	Staten Island Whaling Company	40,000	5	par		
July 6	Western Bank of New York	300,000	5	"		
Oct. 24	Eric County Bank	100,000	5	"		
"	Detroit and Pontiac Rail Road Company	100,000	5	"		
Nov. 16	Staten Island Whaling Company	60,000	5	"		
"	Morris Canal and Banking company	1,000,000	5	"		
"	same	200,000	5	"		
Carried forward		4,300,000			31,500	4,300,000
						\$5,627,000

*BONDS sold on account of State Bank.*

Date of Sales.	To whom paid.	Bonds sold.	Rate of interest.	Premium per cent.	Am't of premium.	Total amount of Sales.
1834, August 6	Amount brought forward	\$509,000	5 pr. ct.	1	5,250	\$5,637,000
1835, " 3	Prime, Ward & King	400,000	5 "	4 $\frac{1}{2}$	18,000	
" Sept.	J. J. Cohen jr, & Brothers	50,000	5 "	4 $\frac{1}{2}$	2,250	
" Nov.	Prime, Ward & King	440,000	5 "	1	4,400	1,339,000
	Morris Canal & Banking co., & T. Biddle & co.	1,390,000			29,900	

*Bonds sold for Lawrenceburgh and Indianapolis Rail Road Company.*

1836, July 1	Morris Canal & Banking Company	100,000	5 pr. ct.	par		
1837, " 1	Same	121,000	5 "	par		
		221,000				221,000
				Total		7,238,000

The annual interest on the bonds now sold, and expense of making the payment will be	\$367,719 25
Of this sum there will be paid by the State Bank and the Lawrenceburgh and Indianapolis Rail Road Company	80,550 00
Leaving to be paid by the State	<u>287,169 25</u>

The Fund Commissioners are authorized to sell one million of bonds in addition to those now sold. Should these be sold the interest will be paid on them for about half the year, which will make the total amount of interest to be paid during the year by the State, the sum of \$314,379 25

The means now appropriated for the payment of interest in 1839, as follows:

Part of the State tax equal to five cents on the \$100, which will be	49,000 00
Interest on 3d instalment of surplus revenue	23,071 00
Interest upon canal lands, about	22,070 44
Interest on the deposits { interest to 1st July 48,273 66 } in Eastern banks { " to 1st Dec. 25,000 00 }	68,273 66
Int. acc't. not forwarded from N. York.	
Canal tolls already received, estimated at about	2,000 00
	<u>\$155,415 10</u>

CALEB B. SMITH, }  
JAMES FARRINGTON, } *Fund Com'rs.*

On motion of Mr. Hubbard, two hundred copies of the minority and majority reports were ordered to be printed.

On motion of Mr. Boon, (leave granted)

*Resolved*, That the committee of Ways and Means be, and they are hereby instructed to prepare an accurate statement of the receipts and expenditures of the public money for the year 1838, to be published with the laws of the present session of the General Assembly.

Mr. Kilgore, from the committee on Corporations, (leave granted) reported back to the House with an amendment, bill

No. 285, to incorporate the Goldings Patent Bagging Manufacturing company.

The House concurred in the amendment,

And said bill was read a third time and passed.

Mr. Cutter, on leave being granted, offered for adoption the following resolution:

*Resolved*, That the committee on the State Bank be, and they are hereby instructed to report a bill to this House, which shall provide for the absolute suppression of the circulation of all Bank notes within this State, of a less denomination than five dollars;

Which was adopted.

Mr. Hurst, on leave, introduced bill.

No. 313, to incorporate the Jeffersonville Association;

Which was read twice, the rule being suspended, and referred to the committee on Corporations.

The following messages were received from the Senate, by Mr. Test, their principal Secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House as follows, viz:

No. 109, An act incorporating the Dearborn County Seminary.

No. 127, An act to incorporate certain Turnpike companies therein named.

No. 131, An act to incorporate the Wilmington and Aurora Insurance company.

Each without amendment.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 64, entitled An act granting the State of Illinois the right of way within this State, to connect the Northern Cross Railroad, in Illinois, with the Wabash and Erie Canal at Covington, Indiana.

Without amendment.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the amendments of the House, to the engrossed bill of the Senate,

No. 41, entitled An act to amend an act entitled An act dividing the State into Judicial Circuits, and fixing the times of holding courts therein, and for other purposes, approved February 10, 1831.

MR. SPEAKER—

The Senate has passed bill of the House of Representatives,

No. 201. An act to incorporate the Rushville Steam Mill company.

Without amendment.

Mr. Noel reports:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the enrolled with the engrossed bill of the House,

No. 47, An act to incorporate the town of Jeffersonville, and find the same correctly enrolled.

The Speaker laid before the House the joint report of the Indiana and Illinois Commissioners, on the subject of the improvement of the Wabash river;

Which was laid on the table, and two hundred copies ordered to be printed.

Also, a communication from the Board of Internal Improvement, on the subject of the claim of Patrick McGinley, a contractor;

Which was referred to the select committee to which a bill on the same subject was referred.

Mr. Cotton presented the petition of the President and Trustees of the town of Vevay, praying an amendment to the act incorporating said town;

Which was referred to the committee on Corporations.

On motion, the House adjourned.

*Two o'clock, P. M.*

House met.

Mr. McClure presented the petition of W. W. Johnson and others, praying for the N. E. qr. of S. 28 T. 38, N. R. 4 west, to be deducted from the corporation limits of Michigan City, and erected into a separate village, to be known by the name of the "City Mills;"

Which was referred to a select committee of Messrs. McClure, Egbert, and Cline.

Mr. Johnson of Monroe presented the petition of the Trustees of the town of Bloomington, praying for their acts to be legalized in certain cases therein named;

Which was referred to a select committee of Messrs. Johnson of Monroe, Smydth, Brycc, and Champer.

Mr. Smydth presented the remonstrance of John Ruce, sen., and other citizens of Clay county, against the addition of any territory whatever to the county of Clay, and also, against the removal of the county seat from Bowling Green unless to the centre of the county;

Which was referred to a select committee of Messrs. Smydth, Boon, Cutter and Champer.

The petitions on the subject of attaching certain territory to Clay county, now belonging to Owen county, was taken from the table, and referred to the same select committee.

Mr. Herriman presented the petition of Elisha Blackman and others, praying for a State road from Sparta via Syracuse in a direction to Plymouth;

Which was referred to the committee on roads.

Mr. Brenton, from the committee on the Judiciary, on leave, reported bill

No. 314, to amend an act organizing Probate Courts, and defining

the powers and duties of Administrators, Executors, and Guardians;

Which was read and passed to a second reading on Monday.

Mr. Stewart, on leave, introduced bill

No. 315, Defining the eastern and southern boundary lines of the county of Floyd;

Which was read twice and laid on the table.

On motion of Mr. Milroy,

A resolution offered by him some time ago, fixing the time for the adjournment of the General Assembly on the 9th of February, was taken from the table.

And before any action had thereon,

Was laid on the table again.

Mr. Gregory, on leave, introduced bill

No. 316, for the relief of Aaron Stephenson, Sheriff of Warren county;

Which was read and passed to a second reading on to-morrow.

Mr. Peaslee, on leave, introduced bill

No. 317, to improve the Michigan road and for other purposes;

Which was read; when,

Mr. Judah moved to reject it.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Arnold, Baker, Blair, Bowles, Bryant, Bryce, Carr of L., Chiles, Earl, Graham, Helmer, Johnson of Monroe, Judah, Kenton, Lane, Marshall, Mason, McNary, Reynolds, Riley, Townsend, Wyman, and Mr. Speaker—24.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Boon, Brenton, Bright, Carr of J., Chapman, Cline, Clymer, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Dumont, Egbert, Eggleston, Eldridge, Field, Flint, Glass, Gregory, Hanna, Healey, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Jones, Kilgore, Lewis, Major, Matson, McCarty, McClure, McCormick, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Parker, Peaslee, Perine, Powell, Proffitt, Puett, Rose, Rush, Sands, Smydth, Spann, Stewart, Terrell, Thompson, Truelock, Willey, Wilson of H., Wilson of M.—64.

So said bill was not rejected.

Mr. Peaslee moved to suspend the rules, and read said bill a second time now.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Alley, Anderson, Boon, Bright, Bryce, Carr of J., Champer, Chapman, Chiles, Cline, Conaway, Cotton of P., Cotton of S.,

Dumont, Egbert, Eggleston, Eldridge Field, Flint, Glass, Hannä, Hendricks, Herriman, Hubbard, Hunt, Jackson, Jones, Matson, McCarty, McClure, Morgan, Morrow, Nelson, Noel, Parker, Peaslee, Perine, Powell, Puett, Rose, Rush, Sands, Stewart, Terrell, Truelock, Wilson of H., Wilson of M., and Mr. Speaker—48.

*And those who voted in the negative were*

Messrs. Alberison, Alley, Arnold, Baker, Blair, Bowles, Brenton, Bryant, Carr of L., Clymer, Cooper, Devin, Earl, Graham, Gregory, Healey, Helmer, Johnson of Marion, Johnson of Monroe, Judah, Kenton, Kilgore, Lane, Lewis, Marshall, Mason, McCormick, McNary, Milroy, Monroe, Owen, Proffitt, Reynolds, Riley, Smydth, Spann, Thompson, Townsend, Vance, Willey, and Wyman—41.

So said bill passed to a second reading on to-morrow.

Mr. McCormick, from the committee on the affairs of the town of Indianapnlis, reported bill

No. 318, for the relief of those persons who made improvements on the donation previous to the location of the seat of Government;

Which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on Monday.

On motion, House adjourned until nine o'clock Monday morning.

## MONDAY, JANUARY 28, 1839.

House met pursuant to adjournment.

On motion,

The rules were suspended, and the House went into the orders of the day; took up bills on their second reading.

No. 255, to repeal an act concerning the holding of courts in Dearborn county,

Was read and referred to a select committee of Messrs. Arnold, Eggleston, Conaway, and Dumont.

No. 259, to provide for distributing and printing the laws and journals;

No. 164, to locate a state road from Spencer to Aquilla;

No. 186, to amend An act regulating agricultural societies;

Were each read a second time, and ordered to be engrossed for a third reading on to-morrow.

Messrs. Gregory and Monroe asked and obtained leave to take their names from the report of the minority of the committee on ways and means.

Mr. Cooper, from the committee on corporations, reported back to the House bill No. 313, to incorporate the Jeffersonville Association, without amendment;

When said bill was read a third time and passed.

On motion of Mr. Earl,

Bill No. 128, concerning county boundaries, was taken from the table, and the House concurred in the amendment made by the Senate.

On motion of Mr. Wilson of H.,

*Resolved*, That the President of the State Bank inform this House, whether the state capital (exclusive of the dividends) originally paid into the first twelve branches or any of them, is in his opinion now by law appropriated to any specific purpose.

No. 165, to fix the salary of the Governor, Judges of Supreme and Circuit courts,

Was read a second time, when

Mr. Hurst moved to amend said bill by striking out the words "hereafter to be appointed;"

Mr. Lane moved to strike out said bill from the enacting clause;

Mr. Boon moved to indefinitely postpone said bill;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Arnold, Anderson, Baker, Blair, Boon, Bowles, Brenton, Brown, Bryce, Carr of L., Champer, Chapman, Chiles, Cline, Clymer, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dole, Earl, Eldridge, Field, Flint, Glass, Graham, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Kenton, Lane, Lewis, Major, McCormick, McNary, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Perine, Powell, Puett, Reynolds, Riley, Rose, Rush, Sands, Smydth, Spann, Stewart, Terrell, Thompson, Townsend, Vance, Wilson of H., Wilson of M., and Wines—72.

*Those who voted in the negative were*

Messrs. Bright, Bryant, Carr of J., Egbert, Eggleston, Gregory, Hanna, Hurst, Kilgore, Kinney, Marshall Mason, Matson, McCarty, McClure, Milroy, Parker, Peaslee, Willey, Wyman, and Mr. Speaker—11.

So said bill was indefinitely postponed.

Mr. Kilgore, from the committee on corporations, reported back to the House,

Bill No. 288, to incorporate the Orange county Female Seminary;

Which was read, and ordered to be engrossed for a third reading on to-morrow.

No. 166, to provide an indemnity for property destroyed by mobs, Was read a second time.

Mr. Arnold moved to indefinitely postpone it;

Mr. Herriman moved the previous question;

Which was seconded by the House;

The House also agreed to put the main question now;  
Which was, Shall the bill be ordered to be engrossed?  
And the ayes and noes being requested thereon:

*Those who voted in the affirmative were*

Messrs. Bowles, Bright, Bryant, Carr of J., Chapinan, Clymer, Earl, Egbert, Hubbard, Hurst, Judah, Kinney, Morgan, Owen, Peaslee, Powell, Rose, Rush, Terrell, Thompson, Willey, and Mr. Speaker—23.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Allison, Anderson, Arnold, Baker, Blair, Boon, Brenton, Brown, Bryce, Carr of L., Champer, Cline, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dole, Eggleston, Eldridge, Flint, Glass, Graham, Gregory, Healey, Helmer, Hendricks, Herriman, Hunt, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Kenton, Lane, Lewis, Major, Marshall, Mason, Matson, McCarty, McCormick, McNary, Milroy, Monroe, Morrow, Nelson, Noel, Parker, Perine, Riley, Sands, Smydth, Spann, Stewart, Townsend, Vance, Wilson of H., Wilson of M., Wines, and Wyman—63.

So said bill was not ordered to be engrossed.

Mr. Morgan, from the joint committee on enrolled bills, reports:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills of the House with the enrolled bills, and find the same correctly enrolled, viz:

No. 112—An act authorizing the opening of a state road therein named;

No. 144—A joint resolution in relation to the Supreme Judges of the State of Indiana;

No. 147—An act to legalize the sale of school section of congressional township No. 3, north of range No. 6 east, in Scott county;

No. 179—An act to relocate a part of the state road from Lawrenceburgh to Harrison in Dearborn county;

No. 272—An act to authorize Louisa Jane Cosset to make conveyance of real estate;

No. 64—An act granting the state of Illinois, the right of way within the state, to connect the Northern Cross railroad in Illinois, with the Wabash and Erie canal at Covington, Indiana;

No. 287—An act for the relief of Abner McCarty.

MR. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the following engrossed bill of the House with the enrolled bill, and find the same correctly enrolled, viz:

No. 201—An act to incorporate the Rushville steam mill company.

MR. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills of the House with the enrolled bills, and find the same correctly enrolled, viz:

No. 133—An act relative to a lunatic asylum in Fayette county;

No. 46—An act to amend an act entitled An act to regulate the mode of doing county business in the several counties in this state, approved Feb. 17, 1838;

No. 109—An act incorporating the Dearborn county seminary;

No. 41 of the Senate, An act to amend an act entitled An act dividing the state into judicial circuits, and fixing the times for holding courts therein.

Message from the Governor:

MR. SPEAKER—

I am directed by his Excellency the Governor to inform the House of Representatives, that he has approved and signed the following bills which originated in this House:

No. 122—An act for the relief of Wm. W. Wilson;

No. 37—A joint resolution concerning the state library;

No. 124—An act to amend an act entitled An act to establish certain state roads therein named and for other purposes, approved Feb. 17, 1838;

No. 239—An act to legalize the election of probate judge of Kosciusko county;

No. 71—An act for the relief of Mary Jane Peck;

No. 120—An act concerning the Logansport and Chicago state road;

No. 116—An act to authorize John Davis to convey certain property therein named;

No. 241—An act for the relief of Charles Dewey and Henrietta Ames.

And also the following which originated in the Senate:

No. 41—An act to amend an act entitled An act dividing the state into judicial circuits and fixing the time of holding courts therein, and for other purposes, approved 10th Feb., 1831;

No. 155—An act for the benefit of George Harland;

No. 4—An act to incorporate the steam mill company in the town of Paris.

No. 168, a joint resolution relating to the Indiana College,

Was read a second time, and,

On motion of Mr. Field, laid on the table.

No. 171, relative to the location of the seat of justice of Jasper county, was read a second time, when,

Mr. Gregory moved to refer it to a select committee;

Which did not prevail.

Mr. Gregory then offered the following amendment:

That the line dividing the counties of Newton and Jasper shall be the line dividing townships twenty-eight and twenty-nine;

Which was not agreed to.

Mr. Peaslee moved to lay said bill on the table;

Which was negatived.

On motion of Mr. Kenton,

Said bill was amended by saying that the seat of justice when located shall be named Newton;

When said bill was read a third time and passed, the rule being suspended.

*Ordered*, That the Clerk inform the Senate thereof.

The Speaker laid before the House a communication from the Governor, covering a communication from the Secretary of State of the state of Kentucky;

Which was referred to a select committee of Messrs. Milroy, Monroe, Bryce, Proffitt, and Kilgore.

On motion, the House adjourned.

*Two o'clock, P. M.*

The House met.

On motion of Mr. Stewart,

The vote given on the indefinite postponement of bill No. 37, to amend an act authorizing the appointing of pilots around the falls of the Ohio river, was reconsidered; when,

Mr. Hurst moved to refer said bill to a select committee;

Which did not prevail;

When said bill was ordered to be engrossed for a third reading on to-morrow.

No. 172, to relocate so much of the state road from Greencastle to Martinsville as lies between Versailles and the Putnam county line,

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 174, to extend the corporation limits of Rising Sun in Dearborn county;

No. 176, to amend An act relative to county boundaries;

No. 185, to amend An act regulating the mode of doing county business in the several counties in this state;

No. 195, to amend an act regulating county boundaries, so far as the counties of Porter, Lake, and Newton are concerned,

No. 200, to revive an act concerning the burning of the records of Dearborn county;

Were each read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 177, relative to the practice in the circuit courts;

No. 178, allowing the Williamsport bridge company the credit of the state for a loan of \$50,000, to build a bridge across the Wabash river;

No. 206, prescribing the mode of constructing the Wabash and Crosscut canals;

No. 194, to prevent illegal voting at general elections;

No. 208, establishing the lines dividing the counties of Clark and Jefferson;

No. 209, to connect the public works of Indiana with those of Illinois;

No. 213, to provide for the survey of a canal from Terre Haute to a point on the Wabash river near the Grand rapids;

Were each read a second time, and laid on the table.

No. 188, for the relief of Eliza Walden, was,

On motion of Mr. Smydth, indefinitely postponed.

No. 191, relative to county boundaries,

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 190, to incorporate the town of Aurora,

Was read and referred to the committee on corporations.

No. 196, dissolving the bands of matrimony between James and Rebecca Blue, was,

On motion of Mr. Kilgore, indefinitely postponed,

No. 197, authorizing a review of a portion of the state road from Cambridge city to Fort Wayne,

Was referred to the committee on roads.

No. 203, concerning license on foreign merchandize,

Was read, and,

On motion of Mr. Chiles, indefinitely postponed.

No. 212, relative to the improvement of state roads in the counties of Ripley and Switzerland,

Was read, and,

On motion of Mr. Cutter, indefinitely postponed.

No. 207, To incorporate the town of Paoli in Orange county,

Was read and referred to the committee on corporations.

No. 211, to authorize the board of justices in Scott county to sell part of the public square in Lexington,

Was referred to a select committee of Messrs. Bright, Truelock, and Parker.

No. 219, to reduce the Board of Fund Commissioners,

Was read, and,

On motion of Mr. Hubbard, referred to the committee on the canal fund.

On motion, the House adjourned.

## TEUSDAY, JANUARY 29, 1839.

House met pursuant to adjournment.

Mr. Clymer presented the petition of sundry citizens of Elkhart county praying the repeal of the third section of

An act, declaring certain roads therein named State roads, approved February 17, 1838;

Also a remonstrance on the same subject;

Which were both referred to a select committee of Messrs. Clymer, Perine and Herriman.

Mr. Eggleston presented the petition of sundry citizens of Dearborn county, praying a change in the license law in said county;

Referred to the judiciary committee.

Mr. Johnson of Monroe presented the petition of Dr. Wiley in answer to charges made against him as President of the Bloomington University.

Mr. Smydth, a communication from W. C. Foster, J. O. Howe, and C. G. Ballard on the same subject;

Both of which were referred to the select committee on like communications

Mr. Chapman presented the petition of Peter F. Newland praying for relief;

Which was referred to a select committee of Messrs. Chapman, Johnson of Monroe and Wyman.

Mr. Cotton of Perry presented the petition of Perry county, praying for the location of a Branch Bank;

Which was referred to the committee on the State Bank.

Mr. Brenton presented the petition of Henry M. Voorice and others, praying the repeal of part of an act regulating the jurisdiction of justices of the peace;

Referred to the committee on the judiciary.

Mr. Field presented the petition of sundry citizens of Washington county, praying to be attached to Clark county;

Referred to the select committee on like petitions.

Mr. Eldridge presented the petition of sundry citizens of Cass county, praying for an appropriation to be made on the State road from Logansport to Chicago;

Referred to the committee on roads.

Mr. Gregory presented a petition and remonstrance on the subject of State roads therein named;

Referred to a select committee of Messrs. Gregory, Dole, and Blair.

Mr. Earl presented the petition of sundry citizens of Tippecanoe county on the subject of a road from Frankfort to Dayton;

Referred to the committee on roads.

Mr. Peaslee presented the petition of Jonathan Pearson and others, praying for the extension of the Rushville McAdamized road, from Rushville via Carthage to intersect the National road at Charlottesville;

Referred to a select committee to which like petitions have been referred.

Mr. Noel presented the petition of Reuben Chew and others of Park county on the subject of a State road;

Referred to a select committee of Messrs. Noel, Puett and Blair.

Mr. Vance presented the petition of sundry citizens of Blackford county, praying for the postponement of the organization of said county;

Referred to a select committee of Messrs. Vance, Wines and Hunt.

Mr. Field presented the petition of the keepers of the penitentiary;

Referred to the committee on the State prison, with power to send for persons and papers, if they deem it necessary.

Mr. Kinney, from the committee on education made the following report:

**MR. SPEAKER—**

The committee on Education, to whom was referred sundry resolutions, directing an inquiry to be made into the expediency of a general revision of our system of common schools, so as to bring the funds appropriated to that object under the control of the legislature, have examined that subject under a deep conviction of its magnitude and importance. The 2nd section of the 9th article of the constitution requires the "General Assembly as soon as circumstances will permit, to provide by law for a general system of education, ascending in regular gradation from township schools to a state university, wherein tuition shall be gratis and equally open to all," with this direction before us, we can hardly stop to consider the propriety of action, if "*circumstances permit*" us to act; nor is it easy to conceive that any enlightened community, in this age of the world, can hesitate to make ample provision for the education of its members, if there be no insuperable difficulties in the way; nor can we conceive any object that may more properly call forth the energies of a whole people; it now being reduced to an axiom, that no people enjoying the blessings of liberty, while they *continue* to be *thoroughly* educated, will ever cease to be free. It is perhaps needless to remark, that while we speak of a people thoroughly educated, we mean to include something more than a bare knowledge of letters; we mean such moral and intellectual culture as shall call into healthy and useful action, all

the powers of our nature. If we regard the subject as it bears on national and individual wealth, it is of sufficient importance to fix our attention and call us forth to action. The wealth of a nation depends not only upon the number and industry of its inhabitants, but also upon their capacity to turn their labor the greatest profit. After the floods of light which have been shed upon this branch of the subject, it is not necessary, nor will it be expected of your committee, to spend time in attempting to make it more clear. Yet there are a few well known facts that it may not be improper to advert to, all showing clearly and indubitably the influence of science upon the wealth of a people. Whence have arisen the riches and power of the circumscribed island of Britain? By what magic does she wield the sceptre of the ocean! and how is it, that with a less population and a territory scarcely one third that of France, her manufactures and her exports are more than double? The secret is this: while the muscular power employed in commerce and manufactures in the two countries is about equal in each to the power of six millions of men, the English, by means of machinery have increased their force to a power equal to twenty-five millions of men, while France has only raised hers to about eleven millions.\* It is computed by a late writer on this subject, that "the actual commercial and manufacturing power of France is only two-fifths of that of England. The present annual value of the cotton manufacture in Great Britain, according to the *Encyclopedia Britannica*, is computed to be about thirty-five millions of pounds sterling; three fifths of that sum or nearly one hundred millions of dollars is England's clear gain over her less skilful rival; an amount three times greater than the whole revenue of the United States!" and for this vast and ever increasing tide of prosperity, England is clearly indebted to popular education, which is the parent of intelligence and the ultimate cause of all the improvements in the cotton manufacture, by which these amazing results have been secured.

The improvements in this branch of manufactures both in England and in the United States, the results of scientific improvement, have sent the manufactured cotton, which was formerly and but a few years ago, imported from India, back to that cotton-growing land. And here it may not be improper to notice a few improvements of our

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\*This estimate is taken from data furnished several years ago, and is not believed to place the English manufactures in the most favorable light which they will bear. It has been clearly ascertained that the power of those employed in the cotton manufactories is increased as a hundred and thirty to one. That is one man by the aid of machinery will accomplish as much as a hundred and thirty could in the old way. We might with propriety carry the thought still further, and ask how many it would have taken to perform the same labor before the invention of the common spinning wheel and the hand card. For these were great advances in scientific improvement.

own countrymen, which have changed the face of a continent in a few years. What would have now been the condition of the cotton-growing States of this republic, but for the invention of Whitney's cotton gin! We have no data by which to answer the question; the truth would exceed belief; and we hazard nothing in saying that the increase of this great staple, by reason of this labor-saving machine, would more than educate all the children of the cotton-growing States, perhaps of the Union. Let the eye turn back through twenty years and survey the state of our manufactures at that period, and observe the sure but rapid improvement that science has made in these silent but profitable labors, and consider the amount of wealth they yearly bestow upon the artist and the capitalist, and we shall be satisfied with the lessons they teach. Whitmore, with his card-making machine, the thousands who have shed the lights of science upon agricultural pursuits, and upon every branch of profitable industry, all add to the catalogue of proofs. These however produce those silent rills, which insensibly swell the tide of our prosperity, while the genius of a Fulton pours upon an astonished world a broad and mighty stream. The effects of his discovery are seen wherever we turn our eyes, but so blended and interwoven with all we have and all we are, that no estimate can be made of its benefits. But for this, most of the great valley would still have been an unbroken wilderness; but for this, the red man might even now have pursued the chase where this proud edifice stands; but for this, realms, which are made neighbors by our mighty steam ships, would have continued by distance to be strangers to each other. By the scientific application of steam to boats and cars, distance is overcome and the nations are comparatively brought into the social circle of a family. In our own state, we are beginning to learn the practical effects of science upon the industry of the country; through the observations of our Geologist, we find treasures in our mountains and in our valleys, which but for these discoveries might have been hidden for ages. Had these examinations been still neglected, we should have known nothing of the rich treasures which lie scattered about us, nor should we have witnessed that lively interest which is now felt in these surveys. Should they teach us to dig our iron from our own hills, and to draw our salt from our own wells, the saving would more than educate every child in the State. These are but two items in the account. The nature of our soil, the varieties of stone, of coal, of marl, gypsum &c., will gradually unfold their rich treasures to his scientific researches.

But it is not merely as a source of wealth, that we would contemplate this subject. There are other considerations to which, as republicans, as patriots, as philanthropists, we cannot shut our eyes. Our State occupies an important position in this republican family. The great valley of the Mississippi, must form the American character.— In the vast tide of emigration that is rolling in upon this portion of the union, are some who adorn the walks of literature; who bring

their rich stock to our intellectual stores. But it is a truth we can neither overlook nor deny, that a vast proportion of this population, and particularly that part of it which has come from the poor-houses of Europe, is uneducated. They are republicans at heart—enthusiastic in the cause of liberty, but they have not understood the great principles upon which self-government rests. They are mostly industrious, and if their children can be taught the value of our institutions, and learn the great principles of self-government; and are made to feel, that all changes and revolutions in governments can be effectually produced at the ballot-box, they will form a valuable part of a great people. This is not all. Many of our native citizens, (for we must not shut our eyes to the nature and extent of our disease, if we would cure it) are in the same deplorable ignorance. It was computed by a distinguished citizen, (now no more,) who had examined this subject much, and was deeply impressed with its importance, that one fourth of adult males in this state could not write. This opinion was formed from an examination of the signatures of individuals to various instruments in writing in land offices, clerks' offices, counting rooms, &c. This estimate may exceed the truth; we hope it does; but it contains enough to awaken us to the vast importance of the subject had we nothing else.

Let us consider what common schools are, and what are their effects? In these, nineteen twentieths of all our population are educated, if at all, and it has been well remarked, that "our armies are not equipped with the bayonet and the bullet, but with the spelling book and Testament;" and for the defence of our towers, we may well "point to our ninety-five thousand common schools, continually sending forth the light of knowledge over our land." Professor Taylor in speaking of common schools, says: "They are the people's college—they are the sun of the people's mind—they are the lamps of freedom;" and that the standard of common schools is the standard of education in our country. It is impossible that our colleges can flourish while our common schools languish. "Make common schools good, and they will take care of all that is above them." If children in common schools, imbibe a love of learning, their studies will be their delight and they will seek the academy and the college; but deprive them of the benefit of these primary institutions, or let them be so conducted, that a taste for learning is never acquired, and your college halls will be empty. The author, above mentioned says, "Colleges always flourish where schools are what they should be." "The common school is the foundation on which they rest, and they can have no other." Let us not be understood as undervaluing the influence of colleges upon primary schools. While common schools are the basis on which classical learning rests, the foundation derives beauty from the proportion of the superstructure. Their connection with benevolent operations is apparent to every one; and their influence upon crime is no less apparent. During the forty years that the excellent school system in Prussia has been in operation, crime has diminished thirty-eight per

cent. Says the author above, "you may fill all your hill-tops with magnificent architecture, but let the plain school-house go down, and very soon all your columns, and your architraves, and your domes will tumble with it into ruin."

These considerations, if we overlook the effects of education upon individual happiness, the sources of true pleasure that it opens to man, the riches of that intellectual world within him; these, if man were the mere creature of a day, and had no hopes beyond the scenes that surround him here; even these would require us to examine well the ground we occupy, to husband all our means, and if able to do so, should induce us to place a good education within the reach of every child in the State. For this purpose, it is believed, we have an adequate fund, to enable us to carry out the wise provision of our constitution above alluded to. It is true, individuals who have attended to this subject do not agree as to the amount best calculated to secure an efficient system of common schools; but it seems to be generally conceded that it should not be sufficient to defray the whole expense of the schools. Such is the organization of the human mind, that we seldom place a high estimate upon that which costs us little or nothing. Money is chiefly valuable when used as an incentive to action. And in this way the funds within our reach will accomplish very much, if not all we desire.

The saline fund, set apart for purposes of education is  
now

\$22,662 54

Surplus revenue set apart for common schools

573,502 96

The money arising from lands returned to school commissioners for non-payment of taxes, is by existing laws, appropriated to the use of common schools and the *principal* is used instead of the interest. It is believed that true policy requires us to fund the principal and use only the interest or a part of it, adding the residue to the principal. The husbandman would acquire but little credit, who should eat up the seed he ought to sow; and it is difficult to distinguish his case from ours in this matter. The amount of money arising from this source is not known, as the returns are very imperfect, and from many counties there is none at all; the amount will necessarily fluctuate as taxes shall vary, or as the collection shall be more or less fortunate. But to test the principle we are contending for, suppose it \$10,000 annually, it will be seen at first glance, that if we use this sum yearly for thirty years, we shall have had the benefit of \$300,000, and our fund will be as it is now; that is, we shall have none at all from this source. If we fund the money, that is, \$10,000 annually, at an interest of ten per cent. for the same period, distributing five per cent. of the interest and adding five per cent. to the principal, we shall have distributed about 397,000, and shall have a fund on hand of about 690,000; making a difference on that small sum in thirty years of \$787,000; or if we fund the principal and distribute all the interest, we shall distribute in thirty years, about \$455,000 and have a fund of \$300,000. These calculations are not made with precision, but are sufficiently accurate for our present purpose. In addition to

the funds above mentioned, the tax on bank stocks, as provided for by the 18th section of the bank charter, is at this time subject to the control of the legislature for common school purposes. It is at present \$9,321 13, and is lying unproductive. Upon the present stock, this fund will increase at the rate of \$2,858 63 a year; and will still be further augmented as individual stock is increased. It will also be recollected that the whole sinking fund, after paying the State loan of \$1,390,000, is by the charter set apart for common school purposes. This fund has already accumulated beyond the payment of the interest on the State bonds, to the amount of \$267,376 59. Should the operations of the bank continue to be as prosperous as they have hitherto been, the sinking fund in eleven years will have accumulated to an amount equal to the loan of \$1,390,000; after which the whole of this fund will be applicable to common school purposes, the interest of which may be distributed to schools or funded as principal; and should the wants of the State demand, could easily be anticipated by a loan. It will be seen therefore that we have the foundation laid for a liberal fund.

It is computed that the lands reserved for schools in the congressional townships of the State, amount to about 640,000 acres. These, at an average value of \$3 per acre will bring about \$1,940,000, which added to those above mentioned, except the sinking fund, amounts to the sum of \$2,548,486 63. By the year 1850, if the money arising from the redemption of lands returned to the school commissioners shall still be applied to this object, our school fund may be as follows:

Saline fund,	-	-	-	-	\$22,662 54
Accruing from sale said lands to be funded,	-	-	-	-	4,000 00
Surplus revenue,	-	-	-	-	573,502 96
Sinking fund, or bank capital,	-	-	-	-	1,390,000 00
Reserved 16th sections,	-	-	-	-	1,940,000 00
Lands returned to School Commissioners,	-	-	-	-	100,000 00
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Making a total of	-	-	-	-	4,030,165 50
To this should be added for tax on bank stock, about	-	-	-	-	30,000 00
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Making altogether,*	-	-	-	-	4,060,165 00
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But it may be said that these reserved lands belong to the townships in which they lie, or for which they have been selected, and not to the general common school fund. This is true; but they are set apart for the support of common schools, and must be so applied, and may therefore be considered as the means of the state for education. But it is believed that the money arising from these lands should, to

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\*This estimate of the value of the 16th sections is believed to be much too low. Conversations had with gentlemen from different parts of the State, satisfy us that the average is at least five dollars per acre. This estimate will make our fund in 1850, \$5,320,165 50.

all intents, be made a common fund, for the following reasons: 1st. By reducing all the means we have, to one common fund, we shall greatly simplify all the operations connected with our schools. This is an object greatly to be desired, and there is much difficulty in keeping and distributing the different funds, particularly as they are not all subject to the same rule of distribution. 2d. The line of congressional townships are arbitrary, and natural obstacles are frequently opposed to the convenient formations of districts; so that they are sometimes formed out of different townships, or even different counties; whereas, if the proceeds of these lands were united in one common fund, the townships could be so arranged as in general to accommodate the districts; and the proportion of money falling to the share of each school could be obtained by it with but little difficulty; and the state would be enabled by a proper officer or officers, to exert over all our schools, a most salutary and efficient control. It is admitted that they were granted to the townships for the use of common schools, but they were paid for by the state. The consideration was an agreement not to tax the lands of the government; a trust therefore results in favor of the state, and in equity and good conscience, they should be appropriated to the benefit of all the children in the state. The education of the rising and the future generations is a common interest, and should be made a common cause. The man of wealth is interested in the education of the poor; the poor in every age and in all countries have been the majority and will always be so.

In this land of the free, the government is in their hands; and every child of the republic should be made sensible of the obligations that rest upon him. He should be taught to feel the full force of those truths which are the basis of our institutions. But it is said that the lands are of different values and that by giving them up, some will be losers, while others will gain by the bargain. It may be so; but are we to make no sacrifices? Shall we wrap ourselves up in our own selfishness and exclude from our bosoms every benevolent and patriotic emotion? Had our fathers made no sacrifices for us, we should not have had any thing worth sacrificing. Our liberties have cost much; much labor, suffering and blood, nor can they be perpetuated by a contracted, sordid policy. The same spirit that framed the fabric, can sustain it but nothing less. Unless there be concert of action our schools must continue to languish. The wants of one portion of the state will be unknown to other parts, and of course not relieved. The improvements made in one district, township or county, will be known only to itself, and others will not profit by them. We repeat, the furnishing of money, whether sparingly or liberally, is not the establishing a system of common schools. It is doing but the least difficult part of our duty. Professor Taylor, speaking of men who think that when a school fund is provided, it is enough, says, "these men say of the common school fund, 'it is given to provide a good system of common schools, and it must do it,' and so they never look to see how it is applied. But let such reasoners know that a good system of education is the result of personal effort and personal sacrifice, and without

*much of both*, it is not to be had, let the law provide what it will;" let this truth govern our action and we shall do well. But let the proceeds of the 16th sections and other funds remain in the hands of the townships without accountability, and this *personal effort* and *personal sacrifice* never will be made. If we would act as wise legislators, we must lay the foundation of our institutions, and particularly of those we are considering, broad and deep.

But to return from this digression. It is believed that the townships, by putting their sections into the common fund, will not make as great a sacrifice as is generally supposed. In the nature of things, we would not look for a valuable or rich section of land in a poor neighborhood. This may happen, but it would be an exception to the general rule, and as the richest parts of the state will be the most populous, the townships that give up the most valuable sections, will, in return, receive in the distribution of the fund, a sum equivalent, or nearly so. We cannot harbor the idea that the people are not prepared to make some concessions for the general good; and we ask, is it not for the public good to have a plain, simple system of common schools, which can be easily understood? And how can the provisions of our school laws be simple and adapted to the wants of a whole people, while we have a number of different funds, distributed upon different principles and operating unequally upon the community? It is matter, however, of pleasing reflection, that we have bright and encouraging examples before us. The dark ages, when science was mostly confined to clerical institutions, have gone, and the lessons they have taught are full of instruction and will not be lost upon the world. In the days of Jesuitical power, Europe had nine hundred colleges under the control of that sect, and yet the people were uneducated. That church held the key of knowledge, and until it was wrested from its hand, learning was not generally diffused; nor will it ever be, unless some general effort be made to effect that desirable end. Government alone can effect it; and if those who are entrusted with the public weal neglect it, sectarian efforts will be made for ascendancy, and with the blessings of learning, we may expect the evils of bigotry and party spirit. The despotic governments of the old world are making ample provisions for the education of their subjects. Throughout the Prussian and German dominions, provision is made for the education of all classes, and none are permitted to neglect it. France is awake to the subject; and even Russia, with her semi-barbarian population, has adopted the Prussian system of education, and under the guidance and control of the mighty Nicholas, bursting the strong chains of ignorance, is fast rising in moral power, and assuming in the family of nations, her just and equal rank. The zeal of the great man, who directs her onward course, is worthy of himself and holds us spell-bound in admiration;—no not spell-bound; it nerves our arm to more noble effort. In Austria no person is permitted to marry till he can read and write; and in Iceland the parent is punished for the crimes of his child, if he has failed to give him an education. There

is much wisdom in these regulations, but it is believed they would be severe in their operation in this country.

The influence of these examples is felt. Republicans have caught fire from these collisions of mind with mind; several of the states of this republic, have taken valuable hints from the school systems of these portions of the old world. Indeed, one of the resolutions we are considering, has directed us to inquire into the propriety of organizing our schools upon the principles of those of Prussia. There is much in that system that challenges our highest admiration, and if it be not the best, it is certainly among the best in the world. The perfect order with which it is made to operate; the care which is taken to extend its benefits to every child in the kingdom; and the arrangements made to shew its operations upon every department of learning through the reports that are made to the minister of public instruction; their teacher's seminaries, or normal schools, &c. are features which cannot be wholly omitted in any well-regulated system of education. But there are provisions in that system, not adapted to republican institutions, and which could not be tolerated in this state. We have examples nearer home, that we should do well to consider. The states of New-York, Massachusetts, Ohio, Kentucky, and others, are sensibly alive to these important interests, and although there are imperfections in the systems they have adopted, we are happy to observe that they are prosecuting the good work with a spirit worthy of republicans. Your committee have considered the memorial of the Education Convention on the subject of a superintendent of common schools, with considerable attention. It is believed that this subject has not been very generally agitated in the community. It may be proper therefore to inquire what duties will be expected of such an officer, if it be thought best to have one. It will be readily conceded that every great operation requires some one to direct it and superintend its affairs. Every department requires a head; and can it be expected that the complicated machinery which is to direct, mould, and polish two hundred thousand infant minds, will direct itself; or that such an interesting multitude, under the guidance of four thousand unskillful leaders, acting without concert, will ever attain the perfection of character which it should be our aim to give them? These questions answer themselves. There should be some one mind capable of surveying the whole mass; and invested with suitable authority to direct it. The legislature cannot act understandingly without light, and this cannot be obtained unless there be some person to collect the necessary facts to impart it. A superintendent, therefore, should collect and present to the legislature, and lay before the people, all such matters as may make them fully acquainted with the condition of the great interests committed to his hands; he should superintend the school fund and its distribution, with a watchful eye; he should prescribe forms to be used by all the school officers and teachers, for making their returns and for other purposes; he should visit the different counties at least once in each year, to confer with the county and township officers and school

teachers; collect such facts as will enable him to produce a uniform mode of instruction; make a judicious selection of school books and recommend their use; and excite generally, in all classes, a proper spirit on the subject of education. He should collect such information from abroad as will enable our institutions to keep up with the age in which we live. He should, at the commencement of each session of the General Assembly, submit all such matters as may come within the general scope of his duties. On this point we are not left to theorize merely. It is now more than a century since Connecticut provided liberally for the support of common schools. But the money was distributed to the different schools without throwing around them such guards, as were essentially necessary to their prosperity. There was not such an accountability on the part of the several school societies as the interests of the whole required. There was no united, systematic effort, and consequently their schools arrived at a certain pitch of excellence, at which they remained nearly stationary for more than a quarter of a century. It is believed that one of her talented sons, by devoting his whole attention to the subject, under the sanction of enlightened legislation, might have done more to elevate the standard of common school literature, than ten times the amount of his salary, distributed to the schools, would have done, without the aid of his services. Without something to impel the mind forward, there is a propensity in man to content himself with his degree of excellence and follow the same monotonous round from generation to generation; and it may often be said with truth,

“Such as the children *are*, the sires *have been*.”

These remarks, however; are not made to disparage the efforts of our elder sister, Connecticut; far otherwise. She early led the way in this matter. In 1672 she required, that in every town of fifty householders, a school should be kept, &c., and in the year 1700, effectual provision was made for the support of common schools, so far as the provision of funds could do it, and the observance of the law was enforced by suitable penalties. But each school society was left to walk in its own light, and no provision was made to ascertain the relative improvement of each, or to stimulate one by the successful efforts of others. The coals of their genius were suffered to lie scattered abroad, and wasted their heat without producing any general warmth. It is thought, by good judges, (in which opinion we do not concur), that her fund was too large, as it led the people to suppose that it was of itself, all they needed to secure the education of their children. If the law had said to the districts, as that of New York does, “you may have a given sum from the common fund, if you will raise by taxation, a sum equal to it but not otherwise,” the additional sum would have been raised; the people would have taken a deeper interest in their schools, and would have felt that education was worth having, because it was not without price. Massachusetts, also, at an early day, entered with much spirit into the cause of common schools,

Her free schools have long been celebrated and justly so. Their fame has long been acknowledged, and the talented and highly accomplished individuals who have shown in her colleges, in her pulpits, at the bar, and in the Senate, bear ample testimony to their worth. But even there the same radical defect of which we are speaking, has prevailed. They have had no head of these primary institutions, and of course no means of concentrating their efforts, and the consequences are such as might have been expected; and some of their schools have greatly improved, while others have been much less fortunate. Within the last five years, new life has been infused into the people of this State, by publications and other efforts. The light that has been shed upon the subject, has detected many errors in their school operations. The loss sustained by want of concert, is sufficiently shown by the following disclosure in the annals of education. "Massachusetts contains not far from 3000 elementary schools, between which there is *no bond of communication*," and utter ignorance prevails in each of these schools as to the operations in others. A plan was recently brought forward in a certain place, by a committee teacher, as "new or improved," where the same plan had been in operation only *sixteen miles distant for sixteen years*, and as a further evil arising from this want of communication, recent developements have shown, that while some districts have convenient houses, others, who have incurred equal expense, have houses entirely unsuited to the object for which they were erected. Another evil is, the great variety and dissimilarity of school books, being in all about two hundred and fifty, and no less than a hundred spelling books; of which, it is acknowledged on all hands there are very different degrees of excellence. This must greatly increase the difficulty of teaching, and occasion much loss of time, both to the teacher and the pupil. The school system of New York has been in operation about twenty-five years. Her fund is distributed to the different schools according to the number of scholars; withholding it, however, from all districts that fail to comply with the requisitions of the law; some of which are, that a school must be kept for a given period by a person who has passed the ordeal of inspection; that each township shall raise by tax, a sum equal to that drawn from the school fund, which at first was only about fifty cents to the scholar. But as they have continually added a part of their interest to the principal of their fund, it has now greatly increased. They have about nine thousand common school districts and schools at the head of which is a superintendent. This office is as old as the system. It is believed that this arrangement has operated upon the system most favorably. This common fund defrays less than an eighth of the annual expense of common schools, and yet this small amount operates as a balance by which to keep in motion this vast machine. And it is worthy of remark, that the whole expense of these schools is not much over two dollars to the scholar.—A comparison of this with the price paid in this state, will enable us to form some correct idea of the value of well regulated common schools. We hazard nothing in saying that the support given to these

institutions by the superintendent, is of more value than a hundred thousand dollars more money annually would be without him.

Ohio has also established a valuable system of common schools, over which a superintendent presides. Her statutes are framed with much care, but they are necessarily long and complex, from the fact that her funds are separate, the proceeds of her sixteenth sections not having been, as they should be, brought into the common fund. Still they have done much, and an excellent spirit prevails. At a convention held at Columbus a few days since, the subject of county superintendents was agitated. The suggestion is worth considering. An officer of suitable qualifications in each county, whose duty it is to look to the condition of common schools, may form a valuable link between the superintendent on the one hand and the teachers and township and district officers on the other. We can well provide such an officer without inconvenience or much expense. Let the commissioners of common schools in addition to the duties now required of them, perform those entrusted to the agents, for loaning the surplus revenue, and receive the same compensation that is paid said agents, together with some other small perquisites, and we will make this officer important and useful. Through him the superintendent might conveniently collect such information as shall enable him to keep up a profitable intercourse with all the schools in the state, and he might also, through him, give such instructions to the towns and districts as he might choose.

Kentucky has taken her stand in the front rank of those whose course is onward, and among her prominent acts, is a provision for a superintendent. Her system has been recently adopted, and of course has not stood the test of time as that of New York has. In some respects it is more simple. The district authorities are directly responsible to the county commissioners. In this we cannot follow their example, while our congressional townships hold their separate lands. The adoption of this plan in Kentucky furnishes another proof of the prevalent belief, that some efficient co-operation is necessary to secure from common schools the benefits they are intended to produce.

Michigan has also established her common schools upon a sure foundation, providing for a strict accountability on the part of those who conduct them. Their Superintendent performs nearly the same duty that is imposed upon the same officer in the other States named. It is believed that with all these examples, and others that might be added, Indiana should not hesitate to adopt some measures that shall place her in the same road to prosperity, especially as ample means are within her reach, and interest and duty alike point the way. The resolutions referred to your committee have directed our attention only to the subject of common schools. There is however, another subject which is so intimately connected with it, that it perhaps deserves to be called a branch of it, and in that view may be properly considered as within the scope of our inquiries. It is the means of providing suitable teachers. All admit that there is a lamentable

deficiency of this class of men. They are not among us; and it is a serious question—where shall we obtain them? It is clear, they are only to be obtained in one of two ways. We must induce them to come from abroad, or we must qualify a sufficient number of our citizens for that purpose. They will most likely be provided in both ways. If our schools are well regulated and a proper distinction is made between competent and incompetent teachers, gentlemen of the former class will seek employment among us. But we can never expect a full supply from other States; and a proper regard to our own interests, as well as our character, requires that we should make suitable provision for the qualification of persons who are to direct these primary institutions. The success that has attended the establishment of teachers' seminaries in other states and countries seems to point them out as the best institutions yet adopted for this purpose. Your committee have therefore considered the means, and the most convenient mode of using them to the accomplishment of this end. Gentlemen of high attainments, who have considered this question, favor the opinion that separate institutions for this purpose, are preferable to departments or professorships attached to colleges or universities.—But in our condition, it has occurred to your committee that for the present, say for ten years, a professorship for this purpose might profitably be attached to some or all of our colleges in the following manner: Our sinking fund created by that part of our bank stock set apart for the purpose of common schools, it will be recollected, cannot be appropriated to any other object until the State bonds shall be paid off. Nevertheless, as that fund is rapidly increasing, and the sufficiency thereof for the payment of the principal long before it will fall due, is now unquestionable, we might safely loan ten or fifteen thousand dollars, without, or upon a nominal interest, to each of our colleges or universities, that will establish, under the direction of the superintendent, and in connection with their institutions, a professorship for qualifying teachers of common schools. In ten or eleven years, as has been stated above, our school fund will be so very ample, that we can endow an institution of this kind, and conduct it as the lights of experience shall dictate, and the wants of the community shall require. The colleges of our State, except the State University, have been founded and sustained thus far, entirely by individual liberality. In a new country like this, where capital is so limited, the support of such institutions bears heavily upon the liberal and benevolent individuals who come to our aid. They are necessary to the complete success of common schools, and the assistance proposed above will tend to give them permanence, and carry out more perfectly the system of education required by the constitution.

In accordance with the foregoing views, your committee has prepared a bill, on the provisions of which, however, there is a difference of opinion. I am therefore instructed to withhold the bill for the present, and to report the following resolutions to illicit the opinion of the House for the Government of the committee.

A. KINNEY, *Chairman.*

Which was laid on the table and one thousand copies ordered to be printed:

Mr. Kinney offered for adoption the following resolutions, which were laid on the table and ordered to be printed with the report.

*Resolved*, That the committee on education be instructed to report a bill reducing all the funds set apart in the State for the use of common schools, to a common fund, the interest of which shall be perpetually appropriated to the support of schools, to be distributed to the different parts of the State, according to the number of scholars.

*Resolved*, That said committee also provide in said bill that no congressional township that has sold its sixteenth section shall be entitled to draw any portion of the common school fund until it shall bring the proceeds of such section into the common school fund; or, if such township have not sold its section, until it will bring the rents and profits thereof into the common fund for distribution.

Mr. Gregory from the committee on military affairs, made the following report:

MR. SPEAKER—

The committee on military affairs, to whom was referred a resolution on the subject of the repeal of the dollar law, as it is commonly called, respectfully

### REPORT:

That this law provides that each individual bound to perform militia duty in this state, by his paying into the county treasury, one dollar for purposes of education, shall, on presenting to the commandant of the company to which he belongs, a receipt for the money so paid over to said treasury, be exempt from all militia duty during that year.

The inquiry is on the repeal of that law. The attention of the committee has been directed to that object, which led them to examine the whole subject as far as means were in their power. The first thing that seemed to present itself to the view of the committee was, that the passage of the act referred to has been one of the principal agents in paralyzing, or in other words, destroying the military feeling amongst the citizens bound to perform this duty, as vast numbers of them preferred paying their dollar to standing in line, or even attending on days of drill; so that officers have not been able, in many instances, to form a squad sufficient to enable them to perform any evolution on the musterfield. This has caused, in many counties of the state, an entire abandonment of parades on days set apart by law.

The question that naturally presents itself to our minds is, Whether some efficient means should be adopted, by which a well organized and well regulated militia should be kept up? It must be conceded

on all hands, that a well organized militia is one of the strong arms of a republican form of government, and to that every American citizen looks for protection against an advancing enemy. Then, sir, we should re-animate the military feeling in this state, and this can, in part, be done by the repeal of the law above referred to, and by so arranging our militia law as not, in times of peace, to require the whole militia from eighteen to forty-five years of age, to be brought into active service, or be compelled to perform military duty, but only those who are from eighteen to thirty-five years of age, to be termed active militia, who shall be required to muster on such days and at such times and places as may be designated by law, or appointed by commandants of divisions, brigades, regiments, and companies. Those between the ages of thirty and forty-five years, shall be termed sedentary militia, whose names shall be enrolled and kept in a separate list, who shall not be required to perform active duties in times of peace, but shall be called out in time of war, and perform all the duties that may be required of them according to the laws of this state governing the portion denominated active militia. And your committee are of opinion that the encouragement of light volunteer companies, organized by acts of incorporation, would tend to stimulate young men to a spirit of military pride, which will be both ornamental and beneficial, and for these purposes your committee have agreed to report the following bills:

No. 318, regulating the militia of the State of Indiana;

Which was read twice, the rule being suspended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Hanna, from the committee on the affairs of the town of Indianapolis, reported bill

No. 319, repealing an act vacating part of a street in the donation near Indianapolis;

Which was read twice, and ordered to be engrossed for a third reading on to-morrow.

Mr. Cotton of S., from the committee on corporations, reported bill

No. 320, to amend an act incorporating the town of Vevay;

Which was read three times and passed;

Ordered, That the Senate be informed thereof.

Mr. Cooper, from the same committee, reported back to the House, bill

No. 250, to incorporate the town of Columbus in Bartholomew county;

With an amendment, in which the House concurred.

Said bill was then read a third time and passed.

Mr. Cooper, from the same committee also, reported back to the House, bill

No. 265, to incorporate the Citizens' Canal Basin, Milton, Wayne county;

With an amendment, in which the House concurred.

Said bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Kilgore, from the same committee, reported back to the House with an amendment,

No. 224, to incorporate the Rob Roy manufacturing company;

In which the House concurred;

When said bill was read a third time and passed.

Also, from the same committee, reported back to the House bill

No. 225, to incorporate the Harrison insurance company;

With an amendment, in which the House concurred.

Said bill was then read a third time and passed.

Mr. Smydth, from a select committee, reported,

No. 331, relative to the Clay county seminary;

Which was read three times and passed.

Ordered, That the Senate be informed thereof.

Mr. McCormick, from a like committee, reported

No. 322, to authorize the election of an additional justice of the peace in Jackson township, Fountain county;

Which was read and passed to a second reading on to-morrow.

Mr. Champer, from like committee, reported

**MR. SPEAKER—**

The select committee to whom was referred the petition of Jonathan Legg and other citizens of Monroe county, asking relief in relation to a loan made by said Legg from the sinking fund, July 1st, 1837, of \$500, have considered the same. While your committee deprecate special legislation, particularly of this nature, they think it not the policy of the State to oppress her citizens. The object of loaning the money constituting the sinking fund is twofold. 1st, To accommodate the citizens of the State, and secondly to accumulate that fund. If therefore, the State is secured in the payment of the principal and the interest, compounded from the time it is due, no material injury can accrue to the State, in giving relief to the petitioner. Although perhaps the object of the law is not fully met in this instance. Your committee think this is a case where legislative interference under all the circumstances, should be had, and have therefore directed me to report the following bill:

No. 323, for the relief of Jonathan Legg;

Which was read and passed to a second reading on to-morrow.

Mr. Thompson, from like committee, reported bill

No. 324, to incorporate the city of Fort Wayne;

Which was read twice and referred to the committee on Corporations.

Mr. Peaslee, from like committee, reported back to the House bill

No. 157, to provide for the survey of a road from Greenfield to Rushville,

With an amendment, in which the House concurred.

Said bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Smydth made the following report; in which the House concurred:

MR. SPEAKER—

The select committee to which was referred the petition of A. G. Christy and others, citizens of Clay county, and the petition of John C. McNamora and others, citizens of Owen county, praying that certain territory, now included within the boundaries of Owen county, be attached to Clay county; and also the remonstrance of John Rucc, sen., and others, citizens of Clay county, against attaching any additional territory to said county whatever, and also against the removal of the county seat from Bowling Green, unless to the centre of the county, have had the same under consideration, and directed me to make the following report:

That on the petition of the citizens of Clay county, praying the addition of certain territory now belonging to the county of Owen to the county of Clay, there are the names of eighty-three citizens.

On the remonstrance of the citizens of Clay county against the addition of any territory whatever to Clay county, there are the names of one hundred and six citizens, thereby showing clearly that of the citizens of Clay county who have expressed themselves on the subject there is a majority of twenty-three against any addition of territory to said county.

As to the petition of the citizens of Owen county, there are only forty-one names on it, and the representative of that county is decidedly of opinion that a large majority of the people of that county are averse to giving away any territory to any county.

As to the remonstrance of a portion of the citizens of Clay county, against removing the county seat from Bowling Green, unless to the centre of the county, your committee are not aware that any petition has been forwarded from the people of said county on that subject; or that any effort has been made by any one here for that purpose.

Your committee are therefore of opinion, after taking all things under consideration, that it is inexpedient to legislate in any manner on that subject.

Mr. McCormick reported:

MR. SPEAKER—

The select committee to which was referred the petition of Robert McIntire and others, praying for the county road running from Portland, Fountain county, via Solomon Hitfield's, to Newtown, to be declared a State road. Also, for the location of a State road from Portland to the State line in a direction to Danville, Illinois; have had the same under advisement, and directed me to report, that they have in-

corporated a section in the general road bill, in accordance with the prayer of the petitioners.

In which the House concurred.

Mr. Marshall, from select committee, reported back to the House with an amendment,

No. 152, joint resolution to authorize Patrick McGinley to sue the State;

In which the House concurred.

Said bill was then read a third time and passed.

Mr. Milroy, from a select committee, reported bill

No. 325, directing the leasing of the water power at the Wabash dam, near Delphi;

Which was read twice, and ordered to be engrossed for a third reading on to-morrow.

Mr. Arnold, from like committee, reported back to the House, bill

No. 255, to repeal an act in Dearborn county therein named;

Which was read a third time and passed.

Mr. Jones, from a select committee, reported bill

No. 326, relative to the county boundaries between the counties of Spencer and Warrick;

Which was read and passed to a second reading on to-morrow.

Mr. Hurst, from a like committee, reported back to the House without amendment, bill

No. 264, establishing the boundary of the county of Clark, and for the formation of a new county.

Mr. Monroe moved to indefinitely postpone it.

Mr. Monroe moved the previous question,

Which was seconded by a majority of the House;

When the House refused to put the main question now.

On motion, House adjourned.

*Two o'clock, P. M.*

House met.

On motion of Mr. Owen, bill

No. 74, to provide for an examination and report of the mineral resources of the State, and for other purposes, was taken from the committee of the whole, and placed in the orders of the day.

On motion of Mr. Healey,

*Resolved*, That this House will, the Senate concurring, go into the election of President Judges for the 10th and 11th circuits, on to-morrow at ten o'clock A. M.

Mr. Herriman offered for adoption the following:

*Resolved*, That the House of Representatives will, the Senate concurring therein, adjourn *sine die*, on the 18th of February next;

Which resolution was laid on the table.

On motion of Mr. Wilson of H.,

*Resolved*, That the Assistant Clerk be authorized to procure assistance in the discharge of his duties, at a compensation not exceeding thirty-five dollars.

On motion of Mr. Proflitt;

*Resolved*, That a select committee be instructed to report a bill providing for the graduation of taxes to be levied in the State, so as to provide against unequitable assessment, having in view the relative benefits conferred by the system of Internal Improvements.

*Ordered*, That Messrs. Proflitt, Hubbard and Owen, be such committee.

Mr. Monroe introduced joint resolution

No. 327, for the relief of William Perjue;

Read twice and ordered to be engrossed for a third reading on to-morrow.

Mr. Blair,

No. 328, on the subject of a mail stage route;

Which was read three times and passed;

*Ordered*, That the Senate be informed thereof.

Mr. Carr of L.,

No. 329, on the subject of divorces.

Mr. Gregory,

No. 330, for a side cut canal, from the Wabash and Erie canal, to the Wabash river, opposite the town of Williamsport;

Both of which were read and passed to a second reading on to-morrow.

Mr. Cooper introduced bill

No. 331, to define the connection of the White Water and Central Canal.

Mr. McClure,

No. 332, for the benefit of S. C. Sample, President Judge of the ninth Judicial Circuit.

Mr. Smydth,

No. 333, relative to an additional Justice of the Peace in Harrison township, Clay county.

Mr. Bowles,

No. 334, to create the office of Private Secretary to the Governor;

Which were each read, and passed to a second reading on to-morrow.

Mr. Morgan reports:

Mr. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills and joint resolution of the House, with the enrolled bills and joint resolution, and find the same correctly enrolled, viz:

No. 127, An act to incorporate certain Turnpike companies therein named.

No. 79, a joint resolution on the subject of the southern States.

No. 128, An act to amend an act entitled An act relating to County Seminaries, approved February 17th, 1838.

No. 173, An act locating a State road in the county of Dearborn.

No. 179, An act to relocate a part of the State road from Lawrenceburgh to Harrison, in Dearborn county.

No. 269, An act relative to the owners of forfeited lands in the State of Indiana.

No. 111, of the Senate, An act authorizing John Manning sen., to build a mill dam across the little St. Joseph river.

Mr. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the engrossed with the following enrolled bills of the House, to-wit:

No. 171—An act relative to the location of the county seat of Jasper, and for other purposes;

No. 235—An act to incorporate Goulding's Patent Bagging Manufacturing Company, and find the same correctly enrolled.

Mr. Judah introduced bill

No. 335, to incorporate the Western Mutual Life Insurance and Trust Company;

Which was read twice and referred to a select committee of Messrs. Judah, Bowles and Kilgore.

Mr. Bright,

No. 336, to amend an act incorporating the citizens of Madison and Lawrenceburgh city charters;

Which was read twice and referred to the committee on corporations.

Mr. Blair,

No. 337, to provide for the erection of a bridge across the Big Vermillion river;

Which was read twice, and ordered to be engrossed for a third reading on to-morrow.

Mr. Cline,

No. 338, to locate the seat of justice of Lake county;

Read and passed to a second reading on to-morrow.

Mr. Field,

No. 339, to establish a State road therein named and for other purposes;

Which was read twice and referred to the committee on roads.

Mr. Matson moved to reconsider the vote taken on the passage of joint resolution.

No. 152, to authorize Patrick McGinley to sue the State.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Anderson, Arnold, Brenton, Bright, Champer, Chiles, Clymer, Cooper, Cutter, Devin, Earl, Eggleston, Flint, Graham, Helmer, Herriman, Hubbard, Hunt, Jackson, Johnson of Monroe, Kinney, Lane, Lee, Lewis, Mason, Matson, McCormick, Noel, Owen, Perine, Proffitt, Reynolds, Riley, Sands, Smydth, Terrell, Thompson, Townsend, Willey, Williams Wilson of M., Wines and Wyman—44.

*Those who voted in the negative were*

Messrs. Albertson, Baker, Boon, Bowles, Brown, Bryant, Bryce, Carr of L., Carr of J., Chapman, Cline, Conaway, Cotton of S., Egbert, Field, Glass, Gregory, Hanna, Healey, Hendricks, Hurst, Johnson of Marion, Jones, Judah, Kenton, Major, Marshall, McClure, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Parker, Peaslee, Powell, Rose, Rush, Spann, Stewart, Wilson of H., and Mr. Speaker—43.

So said vote was reconsidered.

Mr. Proffitt moved to recommit said bill to a select committee with instructions to report a general bill embracing all like cases.

Mr. Boon moved the previous question;

Which was seconded by a majority of the House.

The House also agreed to put the main question now.

But before any action had thereon,

On motion, House adjourned.

## WEDNESDAY, JANUARY 30, 1839.

House met pursuant to adjournment.

Mr. Stewart presented a petition from sundry citizens of New Albany, praying for the incorporation of said town; also a bill in accordance with the prayer of the petitioners,

No. 340, to incorporate the city New Albany;

Read twice and referred to the committee on corporations.

Mr. Wines presented the petition of Wm. Steel and others, on the subject of a turnpike company to construct a road from Wabash to Goshen;

Referred to the committee on corporations.

Mr. Lee presented the petition of sundry citizens of Bartholomew county, praying for an act of incorporation to build a bridge across Driftwood fork of White river near Columbus;

Referred to a select committee of Messrs. Lee, Terrell, and Carr of J.

Mr. Clymer presented the petition of Benjamin Workiner, praying to be divorced from his wife;

Laid on the table.

Mr. Herriman presented the petition of Jacob Stage and others, praying for the location of a state road therein named;

Referred to the committee on roads.

Mr. Lee presented the petition of S. W. Smith and others, praying for an act of incorporation to authorize Samuel Patterson to build a bridge across Flat Rock;

Referred to a select committee of Messrs. Lee, Terrell, and Spann.

Mr. McClure made the following report, in which the House concurred:

MR. SPEAKER—

The select committee, to whom was referred the bill for the relief of the securities of N. W. Sexton, late collector of Laporte county,

#### REPORT:

That by a reference to the auditor's books, they have ascertained that the state revenue for Laporte county for the year 1837 was

\$3,816 07

To which must be added amount assessed by collector himself

76 71

---

3,897 05

Deduct delinquencies

\$995 73

" Commissioners

260 73

" mileage of collector

8 70

---

1,265 16

---

2,631 89

There was deposited with the Treasurer, to be applied to the revenue of this year

2,080 00

Leaving a balance due of

---

\$551 89

---

This balance not being paid, an action was brought in the Laporte circuit court against Sexton and his securities, John Brown and Samuel Stewart, and at April term, 1838, a judgment was rendered for \$3,044 22; eight hundred and thirty-two dollars and forty-one cents of which was paid on the same day.

The committee think that judgment ought to have been rendered for only \$634 58, viz:

Balance of revenue due	\$551 19			
Damages for detention	27 55	being	5 per cent.	
Interest 1st January to 1st April	17 27	"	10	"
Attorney's fees	38 57	"	6	"
	<u>634 58</u>			

The collector and his securities ought to have paid in all	\$2,714 58
They have paid	<u>2,912 41</u>

Leaving an excess overpaid of	<u>\$197 83</u>
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The committee also are of opinion that the said Brown and Stuart are entitled to have refunded to them the amount of tax assessed on the property of John Walker (for state purposes) in the county of Laporte for the year 1837.

The committee have directed me to report the said bill back with one amendment: Strike out from the enacting clause and insert the following:

No. 273, for the relief of the securities of L. W. Sexton, late collector of Laporte county;

Said bill was then ordered to be engrossed for a third reading on tomorrow.

On motion of Mr. Graham,

*Resolved*, That the Senate be invited to attend in the hall of the House of Representatives instanter, to go into the election of judges of the tenth and eleventh judicial circuits, and that seats be provided for them on the right of the Speaker's chair.

Messrs. Albertson and Dole were appointed tellers on the part of the House;

When the Senate came into the hall of the House of Representatives and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, and proceeded by joint ballot to the election of president judge, for the tenth judicial circuit of the state; and on counting the first ballot it appeared that

David McDonald received	91 votes.
Craven P. Hester     "	47   "
Scattering             "	3     "

David McDonald having received a majority of all the votes given was, by the President of the Senate in presence of both Houses, declared duly elected president judge of the tenth judicial circuit, to serve as such for the term of seven years from and after this date.

Both Houses then, in like manner proceeded to the election of a president judge of the eleventh judicial circuit; and on counting the first ballot it appeared that

Morrison Rulon received	83 votes.
William O. Ross “	16 “
Scattering “	47 “

Morrison Rulon having received a majority of all the votes given was, by the President of the Senate, declared duly elected president judge of the eleventh judicial circuit of the State of Indiana, to serve as such for the term of seven years from this date.

The Senate then retired to their chamber; when

Mr. Milroy, from a select committee, made the following report, in which the House concurred:

MR. SPEAKER—

The select committee, to whom was referred the communication of the Executive of Kentucky, together with a communication of his Excellency the Governor of this state, relative to abolition, have had the same under consideration, and have directed me to report a joint resolution, directing the joint resolution adopted by this General Assembly relative to the southern states, to be communicated to the Executives of the several states; also, the committee have directed me to report a resolution directing the Clerk of this House to furnish his Excellency the Governor a certified copy of the vote by which the joint resolution on the subject of the southern states was adopted, with a request that he transmit the same to his Excellency the Governor of Kentucky, in compliance with the request of the Executive of that state.

No. 341 of the General Assembly of the State of Indiana;

Which was read three times and passed.

*Ordered*, That the Senate be informed thereof.

On motion of Mr. Milroy,

Whereas, a communication has been received by this House from his Excellency David Wallace, Governor of Indiana, enclosing a communication from the Executive of Kentucky, requesting “a copy so soon as adopted, of certain resolutions relative to the southern states, for the purpose of submitting the same to the consideration of the legislature of that state, duly appreciating the friendly terms the communication referred to is conceived, and desirous of cultivating the most friendly relations with our sister states, particularly Kentucky, endeared to so many of our citizens by the ties of kindred and nativity; and at the same time, desirous on all proper occasions of affording evidence that Indiana disclaims all *right* either directly or indirectly, to interfere with the domestic institutions of the several states,” as secured to them by the confederation, believing as she does that a different policy is calculated to weaken the bonds, if not dissolve the union of the states; therefore,

*Resolved by the House of Representatives,* That the Clerk of this House be directed to furnish his Excellency the Governor a certified copy of the vote of this House adopting the joint resolution relative to the southern states, and that the Governor is hereby requested to transmit the same, together with a copy of this resolution, to his Excellency the Governor of Kentucky, in compliance with the request contained in the communication from the Executive of that state; and that a copy of this resolution be communicated to the Senate, and a similar resolution on their part requested.

Mr. Lee, from a select committee, reported bill

No. 342, to incorporate the Columbus and Driftwood bridge company;

Which was read twice, the rule being suspended, and referred to the committee on corporations.

Mr. Noel made the following report:

MR. SPEAKER—

The select committee to which was referred the petition of Reuben Chew and others of Park county on the subject of a State road have directed me to report the following bill:

No. 343, to locate part of a State road from Rockville to Covington;

Read and passed to a second reading on to-morrow;

Mr. Puett from a select committee reported bill

No. 344, to provide for the election of a justice of the peace in Montezuma;

Read twice, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Owen, (leave being granted,)

*Resolved,* That a select committee be instructed to report a general bill providing for cases of appeal by contractors from decisions of the State board of internal improvement.

Messrs. Owen, Proffitt, and Marshall, were appointed said committee.

Mr. Cline introduced joint resolution

No. 345, in relation to the navigation of Lake Michigan;

Read and passed to a second reading on to-morrow.

Mr. Sands introduced bill

No. 346, to change the name of Isaac Smith of Crawford county;

Which was read twice, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Graham, the House went into committee of the whole on bill

No. 202, to provide for the increase of stock in the State Bank.

Mr. Noel in the chair, and after some time spent the committee rose, reported progress, and asked leave to sit again.

The House refused to give the committee leave to sit again, when

On motion of Mr. Proffitt, said bill was laid on the table.

On motion the House adjourned.

Two o'clock, P. M.

House met,

Went into the orders of the day, and proceeded to consider joint resolution

No. 152, authorizing Patrick McGinley to sue the State.

Mr. Proffitt moved to lay it on the table,

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Anderson, Blair, Brenton, Bright, Cline, Clymer, Cutter, Devin, Dole, Earl, Flint, Graham, Healey, Helmer, Herri-  
man, Hubbard, Hunt, Jackson, Kinney, Lee, Lewis, Mason, Mat-  
son, McCormick, Noel, Owen, Proffitt, Puett, Reynolds, Sands,  
Smydth, Terrell, Thompson, Townsend, Vance, Willey, Wines, and  
Wyman—39.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Arnold, Baker, Boon, Bowles, Brown,  
Bryant, Bryce, Carr of J., Carr of L., Champer, Chapman, Cogswell,  
Cooper, Conaway, Cotton of P., Cotton of S., Egbert, Eggleston,  
Eldridge, Field, Glass, Gregory, Hanna, Hendricks, Hurst,  
Johnson of Marion, Johnson of Monroe, Jones, Judah, Kenton,  
Major, Marshall, McCarty, McClure McNary, Milroy, Monroe,  
Morgan, Morrow, Nelson, Parker, Peaslee, Powell, Riley, Rose,  
Rush, Spann, Stewart, Williams, Wilson of H., Wilson of M.,  
and Mr. Speaker—56.

So said joint resolution was not laid on the table.

The question then recurred on the passage of the bill,

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Arnold, Baker, Boon, Bowles, Brown,  
Bryant, Bryce, Carr of J., Carr of L., Champer, Chapman, Cline,  
Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Egbert, Eggleston,  
Eldridge, Field, Glass, Gregory, Hanna, Hendricks, Hurst,  
Johnson of Marion, Jones, Judah, Major, Marshall, McCarty, McClure,  
McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Parker,  
Peaslee, Powell, Rush, Spann, Stewart, Wilson of H., Wilson of M.,  
and Mr. Speaker—50.

*Those who voted in the negative were*

Messrs. Allison, Anderson, Blair, Brenton, Bright, Clymer, Cutter,

Devin, Dole, Earl, Flint, Graham, Healey, Helmer, Herriman, Hubbard, Hunt, Jackson, Kenton, Kinney, Lee, Lewis, Matson, Mason, McCormick, Noel, Owen, Proffitt, Puett, Reynolds, Riley, Rose, Sands, Smydth, Terrell, Thompson Townsend, Vance, Willey, Williams, Wines, and Wyman—42

So said joint resolution passed.

*Ordered*, That the Senate be informed thereof.

The following message was received from the Senate by Mr. Test, their Secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has reciprocated the resolution of the House to go into the election of President Judges of the 10th and 11th judicial circuits at 10 o'clock A. M. on this day.

Mr. Healey, (on leave,) offered for adoption the following resolution:

*Resolved*, That this House will (the Senate concurring) go into the election of Prosecuting Attorneys for the 10th and 11th circuits on to-morrow, 10 o'clock A. M.

Which was adopted.

No. 42, to abolish imprisonment for debt.

Mr. Mason moved to lay said bill on the table;

Which was not agreed to.

Mr. Cooper moved to indefinitely postpone it.

Mr. Perine moved the previous question, which was seconded by a majority of the House,

And before any further action had thereon, on motion the House adjourned.

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THURSDAY, JANUARY 31, 1839.

House met pursuant to adjournment.

Mr. Milroy presented the petition of sundry citizens of Carroll county, praying for the adoption of measures to protect them from the depredations of the Miami Indians;

Which was referred to the select committee appointed to attach the Miami reservation to counties for judicial purposes.

Mr. Cutter presented the petition of sundry citizens of Vigo county, praying for the election of a justice of the peace in the town of Lockport;

Referred to a select committee of Messrs. Cutter, Smydth, and Champer.

Mr. Hanna presented the petition of William Sheets, late Secre-

ry of State, praying that money may be refunded him which he paid for clerk hire while discharging the duties of that office.

Referred to a select committee of Messrs. Hanna, Bright, and Gregory.

Mr. Wilson of M. presented the petition of Thos. Smith and others, praying for the location of a state road from Wabashtown to Rochester;

Referred to the committee on roads.

Mr. Major presented the petition of sundry citizens of Clinton county, praying for the change of a state road therein named;

Referred to the committee on roads.

Mr. Cline presented the petition of sundry citizens of Lake county, on the subject of a school section therein named;

Referred to a select committee of Messrs. Cline, McClure, and Egbert.

Mr. Eldridge presented the petition of the heirs of Joseph Sellers, praying for relief in a certain case therein named;

Referred to the committee on the judiciary.

Mr. Noel, from the committee on education, made the following report, in which the House concurred:

MR. SPEAKER—

The committee on education, to which was referred so much of the message of his Excellency the Governor, as refers to the subject of educating deaf mutes, have had that subject under consideration, and directed me to make the following

### REPORT:

The first inquiries of the committee were directed towards ascertaining as nearly as possible, how many of this unfortunate class of individuals there are in the State, and what opportunities they have of obtaining an education.

To effect the object of the first inquiry, we had no other means within our reach than a comparison with the number in other countries; on a careful examination of which, we find it varying very materially in different parts of the world. In some portions of Europe the number is found to be one for about every fifteen or seventeen hundred inhabitants; in other portions, one for every one thousand; and in some few districts the proportion has been found even three or four times as large as this. In this country, partial examinations satisfy us, that the proportion is not greater than one for every fifteen hundred—perhaps not more than one for every two thousand.

From these facts, the committee is led to suppose the whole number of deaf mutes in this state at this time to be between three and five hundred; one-third of whom, at least, are proper subjects for education.

2nd. As to the practicability of communicating an education to every one of this class, possessed of a sound mind, there no longer remains a doubt. It is fully demonstrated that they are susceptible of receiving, not only a partial, but a very refined education. This is not, however, attainable in our common schools. It requires a separate institution, and entirely a different system of instruction; consequently, it becomes our duty to inquire into what is the condition of this unfortunate class, and what obligations community is under, to alleviate their condition.

We find the deaf mute, in his natural state, generally possessed of a sound mind, a vigorous constitution, and indeed, possessed of all the abstract attributes necessary to make him reasonably happy, and a useful member of society. And yet, in his natural condition, his situation is very little, if any, better than that of the brute. In the very midst of the burning lights of education and religion, his mind is enveloped in moral and intellectual darkness. We have carefully examined into their own accounts of the extent of their knowledge before they were educated, and have not been able to find a single instance of one who, without the aid of education, was ever able to comprehend the existence of a Supreme Being. Even those who have been taught to perform all the rites of the Christian religion, and were to all appearances, very devout worshipers, have universally declared, on becoming educated, that they had no conceptions of any thing beyond the mere external forms which they practised.

In the midst of all the knowledge and improvements of ages, we find these unfortunate persons in a worse condition than that of nations in the infancy of society. They cannot be aided by the knowledge of others, nor improved in their method of reasoning by knowing the motives or causes that govern the conduct of their fellow beings. Conscience, with them, derives all its light from the impulses of nature, and the mere external appearances of the conduct of others, without knowing any thing of the motives that induce it. It can recognize no invariable law; and consequently, often leaves these unfortunate persons to commit the grossest crimes without the slightest sense of guilt. Under all these circumstances, and after a full and mature consideration of their afflictions, the committee has come to the conclusion, that it would hardly be possible to conceive a situation in which a human being could be placed, that would call more loudly for the interposition of humanity and benevolence, than does that of the deaf mute.

Your committee do not suppose it necessary to use any arguments to prove that such objects are the proper subjects for public pity and commiseration, and ought to be the recipients of public assistance. This is too universally admitted to suppose that any one entertains a doubt on the subject.

Another very strong reason in favor of creating an institution, at the public expense, for the education of this class of individuals, is to be found in the fact that a large proportion of them are very indigent. Want of proper clothing and protection from severe and inclement

weather; of sound and wholesome food, and proper care and nursing in time of sickness and childhood, are assigned by medical writers as the most common causes that produce either or both deafness and dumbness. It is therefore apparent, that among the poorer classes, where these necessities cannot be procured, much the largest portion of these unfortunate persons are to be found.

Having come to the conclusion that such an institution should be created, it only remains for us to devise the plan for raising the necessary means for its creation and support.

For this purpose, the committee proposes to take from common schools, one fourth part of the annual products of that part of the surplus revenue set apart to that object. It has been appropriated for the support of common schools; and inasmuch as these individuals cannot be educated in these institutions, they would seem to have some claim on us, to so appropriate a part of this fund, as to be of some benefit to them.

I am therefore directed to report the following bill:

No. , to provide for the education of deaf mutes.

Five hundred copies of said report was ordered to be printed.

The following message from the Senate by Mr. Bryant, a member:

**MR. SPEAKER—**

The Senate has passed an engrossed bill thereof, entitled,

No. 181, a bill supplemental to an act to amend an act entitled An act dividing the state into judicial circuits and fixing the time of holding courts therein, and for other purposes, approved Feb. 10, 1831, approved Jan. 28, 1839;

In which the concurrence of the House of Representatives is requested.

The rules of the House were suspended, and said bill was read three times and passed.

Message from the Senate by Mr. Turman, a member:

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 32, entitled An act granting the State of Illinois the right of way within this state, to connect the Northern Cross railroad in Illinois with the Wabash and Erie canal at Perrysville, Indiana,

Without amendment.

Mr. Powell, from the committee on roads, made the following report, in which the House concurred:

**MR. SPEAKER—**

The committee on roads, to which was referred the petition of sundry citizens of Cass county, praying for an appropriation on a state

road from Logansport to Chicago; also a petition of sundry citizens of Gibson county, praying an appropriation on the road from Owensville to Baker's landing on the Wabash, have had the same under consideration, and have directed me to report that it is inexpedient at this time, to grant the prayer of the petitioners, as the state is not in possession of funds, out of which to make such appropriation,

Mr. Noel reports:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the enrolled with the engrossed bill of the House,

No. 131, entitled An act to incorporate the Wilmington and Aurora Insurance company;

And find the same correctly enrolled.

Mr. Noel, from the committee on corporations, made the following report:

MR. SPEAKER—

The committee on corporations, to which was referred bill of the House, No. 304, entitled a bill to incorporate the town of Rockville in Parke county, have had the bill under consideration and directed me to report the same back to the House, with an amendment; in which the concurrence of the House is respectfully requested.

The House concurred in the report of the committee;

And said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Bright from the same committee, reported back to the House with an amendment, bill

No. 150, to incorporate the Merchants' Indiana Institute;

Which was concurred in;

And said bill was ordered to be engrossed for a third reading on to-morrow.

Also from the same committee, without amendment, bill

No. 336, to amend an act granting to the citizens of Madison and Lawrenceburgh city charters;

When said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Wines, from the same committee, reported,

No. 348, to incorporate the Wabash and Goshen turnpike company;

Which was read twice, and ordered to be engrossed for a third reading on to-morrow.

Mr. Allison, from the same committee, reported back to the House with an amendment,

No. 342, to incorporate the Columbus and Driftwood bridge company;

When said bill was read a third time and passed.

Mr. Field, from a select committee, made the following report:

MR. SPEAKER—

The undersigned members, composing the select committee to whom was referred the petition of William C. Foster, praying for an investigation into the conduct of the President of the State university, and also preferring certain charges against him, and also a communication from Dr. Andrew Wilie, have had the same under consideration and have directed me to make the following

## R E P O R T :

That by the act establishing the University the power to appoint the president and remove him from office is vested in a Board of Trustees and not in the State Legislature. The board has also the authority to appoint the faculty of the institution and govern the same by such by-laws as they may choose to enact, your committee cannot therefore, with their present views, feel warranted in assuming jurisdiction of the charges set forth in the petitions. If there are abuses in the institution, it is clearly the duty of the trustees to correct them, and if they do not they are liable to removal from office, your committee know of no other legal mode of reaching the faculty.

Your committee would here suggest the propriety of requiring the Board of Trustees to report annually to the legislature the condition of the institution, the number of its pupils, professors, teachers and officers—together with all other circumstances connected therewith as may be of service to the legislature. This practice would no doubt have considerable influence in preserving confidence in the management of the affairs of the University, as it would necessarily throw open the door of the public seminary, and the acts and doings of those charged with its supervision to the view of all.

Your committee regard the proper organization of the Board of Trustees, as the only efficient means of obviating abuses. They should be induced, if possible, to take an active part in every thing that relates to the University; they should feel and manifest by their actions a deep interest in its character and prosperity. This they cannot do under the present arrangement. Many of them reside at a great distance from the University and seldom or never attend the meetings of the board, and perhaps know but little about the conduct of the faculty. Under such circumstances it is impossible that their names, however distinguished for learning and talent, can contribute any thing to the standing of the institution. Distinguished names and honorary titles alone cannot advance it to greatness. Its destiny depends upon those in whose hands its interests are placed. The conduct of its faculty, the discretion of its officers, the guardianship of its trustees, are of vital importance to its usefulness. Nothing can so effectually inspire confidence in the institution as the unremitting attention of its trustees to its interests, and nothing will sooner destroy that confidence than their supineness.

The charges alledged by the petitioner are of a grave and serious import, and whether they be true or false it is the duty of this legislature to have them investigated. The fact that two of the present trustees certify to their truth, and the pertinacity with which an examination is urged, precludes the idea that personal enmity could have prompted their presentation. The individual who presides over the institution, and who has hitherto stood high in public estimation, also desires an investigation, and justice requires that he should be heard in his own defence, before these charges go forth to the world. The interests of the University which, is regarded by every citizen of the State as a monument of our zeal in the cause of education, and to which they have looked with pride and pleasure, demand an investigation. From some cause unknown to your committee there has been an unexampled decrease in the number of its pupils, and from the fact that complaints are increasing against its officers, your committee believe that every consideration of duty requires an investigation of its affairs and timely application of the proper corrective. Nothing short of a thorough investigation of its affairs and future diligence on the part of its trustees can relieve the public mind from suspicion.

Your committee do not wish to be understood as deciding upon the truth or falsity of the charges contained in the petition. On this delicate issue they are unable to either form or express an opinion. Both parties have high claims to the respect and confidence of your committee, and therefore it is with much reluctance that they have submitted their views in reference to the course, proper to be pursued by this legislature in order to restore confidence in the institution.

Should the charges alledged prove to be unfounded, the best of results may be anticipated from the investigation; should they prove to be true, the legislature will discover the necessity of a watchful attention to the future management of the University. Your committee sincerely trust that the conduct attributed to the President and the board of trustees may be satisfactorily explained.

Your committee cannot avoid expressing their regret that a University so liberally endowed as ours, and so justly entitled to a proud rank among the literary lights of the nation, should become a theatre of strife and contention; they deeply deplore the mischievous consequences of such a state of things. If the clamor raised against the institution be the effect of sectarian rivalry or ecclesiastical competition for the ascendancy in its councils, it is impossible that the cause of learning can thrive in so unwholesome an atmosphere. All experience proves the utter impossibility of maintaining confidence in any literary institution of the character of ours, while religious bigotry is suffered to enter its sacred precincts.

Your committee are well satisfied that the legislature cannot be too rigid in guarding against the introduction of sectarianism. The community at large claim the University as public property, and the idea that it is made subservient to the interests of any religious party is abhorrent to republican feeling. While your committee would recommend suitable restrictions for the prevention of future complaints,

they would at the same time advise great care in the selection of the proper guards; lest in attempting to secure the rights of some, we infringe upon the rights of others. Your committee would also remark, that the legislature cannot be too careful how they listen to reports promulgated against the officers of the institution. There are in every community envious persons who will take advantage of the known repugnance of the public mind to sectarian domination to fan the flame of discord, and stimulate opposition to any thing that may seem to savour of clerical usurpation.

As to the instructions of the House, directing your committee to inquire into the expediency of removing the institution, your committee are of opinion that legislation on that subject is unnecessary. In conclusion your committee would respectfully recommend the appointment of a board of visitors, with adequate powers, to repair to Bloomington and institute a thorough examination into the affairs of the University and the charges of the petitioner, which is fully provided for in the joint resolution herewith submitted.

They would also recommend the bill accompanying this report as an amendment to the charter of the University. All of which is respectfully submitted.

NAT. FIELD,  
SAMUEL HOWE SMYDTH,  
GEORGE BOON,  
J. A. MATSON,  
M. G. BRIGHT,  
W. TERRELL,  
JOHN C. CHILES,  
GEO. H. JOHNSON.

#### Joint resolution

No. 349, creating a board of visitors for the Bloomington University;

Which was read twice and referred to the same select committee who reported it.

On motion of Mr. Smydth, said committee were instructed to fill the blank in said resolution, with the name of one person from each congressional district to compose the board of visitors.

Mr. Owen moved further to amend by inserting after the words "State University," "with power to hear and judge of all charges, if any there be, which may be preferred against any public officer connected with the institution."

No. 350, to amend an act establishing a State University in the State of Indiana;

Which was read and passed to a second reading on to-morrow.

On motion of Mr. Owen,

A resolution fixing on the 18th February for adjournment, was taken from the table and adopted.

Mr. Herriman offered for adoption the following resolution:

*Resolved*, That we proceed to the despatch of business by enacting

such laws as will promote the best interest of the State and people. *Resolved further*, if it is intended not to act upon the business for which we were assembled, but only to remain here for the purpose of making long speeches, that we ought to forthwith adjourn, and the people should hereafter elect members to the legislature who will work more and talk less.

Mr. McCormick proposed the following amendment,

That no person shall be permitted to violate that clause of the constitution which says, "no cruel or unusual punishment shall be inflicted" by making long speeches in debate on this floor:

Mr. Flint proposed to amend the amendment by adding "that no member shall speak louder than thunder,

Which amendments prevailed.

The question then recurred on the adoption of the resolution;

The ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Anderson, Arnold, Chiles, Clymer, Earl, Eldridge, Herriman, Hunt, Jackson, Lewis, McCarty, McCormick, Noel, Perine, Reynolds, Rush, Stewart, Townsend, and Williams  
—20:

*Those who voted in the negative were*

Messrs. Alley, Allison, Baker, Boon, Bowles, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Cline, Cogswell, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dole, Dumont, Egbert, Eggleston, Field, Flint, Glass, Graham, Hanna, Healey, Helmer, Hendricks, Hubbard, Hurst, Johnson of Monroe, Jones, Kenton, Kinney, Lee, Major, Mason, Matson, McClure, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Powell, Riley, Rose, Sands, Smydth, Spann, Terrell, Thompson, Vance, Willey, Wilson of H., Wilson of M., Wines, Wyman and Mr. Speaker—66.

So said resolution was not adopted.

On motion the House adjourned.

*Two o'clock, P. M.*

The House met.

Leave of absence was granted to Mr. McCarty during the remainder of the session.

Mr. Judah, from a select committee reported back to the House with an amendment, bill

No. 335, to incorporate the Western Mutual Life Insurance and Trust Company:

When said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Johnston of Monroe, from like committee reported bill

No. 351, to legalize certain proceedings of the trustees of the town of Bloomington;

Read three times and passed.

Mr. Gregory made the following report, in which the House concurred.

MR. SPEAKER—

The select committee to whom was referred the petition of a number of the citizens of the counties of Fountain and Warren, on the establishment of a State road from Crawfordsville in Montgomery county, to Independence in the county of Warren, have had the same under consideration and have directed me to place in the bill for the establishing a number of State roads, a section making provision for the location of said road.

Mr. Thompson from a select committee, reported bill

No. 352, for the relief of J. H. McMacken and Elias Murray;  
Which was read twice, and referred to the committee on claims.

Mr. McClure, from like committee, reported bill

No. 353, to amend an act incorporating Michigan city;  
Read twice and ordered to be engrossed for a third reading on to-morrow.

Mr. Clymer introduced joint resolution

No. 354, relative to a mail stage route therein named;  
Which was read three times and passed.

Mr. Egbert

No. 355, concerning the Erie and Michigan canal;  
Read twice and ordered to be engrossed for a third reading on to-morrow.

Mr. Parker introduced bill

No. 256, to extend the privileges granted to the Salem Savings Institution;

Read twice and referred to the committee on corporations.

Mr. Powell, bill

No. 357, to incorporate the Shelbyville and Blue River Rail Road Company;

Read twice and referred to the committee on corporations.

Mr. Kenton, bill

No. 358, to attach the county of Newton to the county of White, and for other purposes;

Read twice and ordered to be engrossed for a third reading on to-morrow.

Mr. Cooper, bill

No. 359, to locate a rail, turnpike, or McAdam road from Knights-town to Columbus;

Read twice, and on motion of Mr. Bryce laid on the table.

Mr. Wyman, bill

No. 360, to locate a State road therein named;

Mr. Johnson of Monroe, bill

No. 261, to amend an act incorporating congressional townships;

Mr. Herriman, bill

No. 362, to extend the privileges of an act therein named to the counties of Lagrange and Noble;

All of which were read and passed to a second reading on to-morrow.

Mr. Milroy,

No. 363, attaching certain territory to certain counties therein named;

Which was read twice and referred to a select committee of Messrs. Kilgore, Milroy, Wines, Wyman, and Eldridge.

Mr. Gregory,

No. 364, granting to the State of Illinois the right of way to connect the Northern Cross railroad with the Wabash and Erie Canal at Williamsport;

Which was read, and passed to a second reading on to-morrow.

The House now went into the orders of the day.

Bills on their second reading:

No. 42, to abolish imprisonment for debt.

On motion of Mr. Champer, the third section of said bill was amended by striking out the words "of one hundred dollars and upwards."

Mr. Bowles moved to further amend said bill by striking out the 6th and 8th sections;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Arnold, Blair, Boon, Bowles, Brown, Chapman, Cooper, Hurst, Jones, Kilgore, Kinney, Lane, Lee, Lewis, Mason, Matson, Milroy, Noel, Puett, Reiley, Sands, Townsend—22.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Allison, Anderson, Baker, Bright, Bryant, Bryce, Carr of J., Carr of L., Champer, Chiles, Cline, Clymer, Cogswell, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dole, Egbert, Eggleston, Eldridge, Field, Glass, Graham, Gregory, Hanna,

Healey, Helmer, Herriman, Hubbard, Hunt, Johnson of Marion, Judah, Kenton, Major, McClure, McCormick, McNary, Monroe, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Powell, Reynold, Rose, Rush, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Williams, Wilson of H., Wilson of M., Wines, Wyman, and Mr. Speaker—63.

So said amendment did not prevail.

Mr. Peaslee moved the previous question;

Seconded by the House.

The main question was then put, which was, Shall said bill be engrossed?

And the ayes and noes being demanded,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Anderson, Baker, Bryant, Bryce, Carr of J., Champer, Chiles, Clymer, Conaway, Cutter, Dole, Egbert, Eldridge, Flint, Glass, Graham, Gregory, Hunt, Judah, Kenton, Kinney, Major, McClure, Mr. Cormick, McNary, Milroy, Morgan, Nelson, Owen, Parker, Peaslee, Perine, Powell, Reynolds, Rose, Rush, Smydth, Spann, Stewart, Townsend, Vance, Williams, Wilson of H., Wines, and Mr. Speaker—48.

*And those who voted in the negative were*

Messrs. Arnold, Blair, Boon, Bowles, Bright, Brown, Carr of L., Chapman, Cline, Cogswell, Cooper, Cotton of P., Cotton of S., Devin, Earl, Eggleston, Field, Hanna, Healey, Helmer, Hendricks, Herriman, Hubbard, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Kilgore, Lane, Lee, Lewis, Marshall, Mason, Matson, Monroe, Morrow, Noel, Puett, Reiley, Sands, Terrell, Thompson, Wilson of M., Wyman—44.

So said bill was ordered to be engrossed for a third reading on tomorrow.

No. 233, relative to the Madison and Indianapolis Railroad, was laid on the table.

No. 28 of the Senate, to increase the per diem allowance of witnesses, was read, and,

On motion of Mr. McNary, amended by striking out "75 cents," and inserting "\$1,25 cents."

On motion of Mr. Bright, further amended by inserting "that witnesses from another State shall receive the same fees."

On motion of Mr. Lee, further amended by inserting after the words "before a justice of the peace 37½ cts." "50 cents."

Mr. Kinney, proposed to amend said bill as follows: "and in all State prosecutions, witnesses shall be entitled to the same fees that are given in civil cases, which shall be paid by the State if the defendant is acquitted;"

Which did not prevail.

When said bill, as amended, was read a third time and passed.

No. 19, to vacate a part of the public square in the town of Edinburgh, in Johnson county,

Was read a third time and passed.

No. 120, to locate a State road from Anguilla to the State line, thence to the seat of Justice of De Kalb county;

Read a third time and passed.

No. 57, of the House, to amend an act subjecting real and personal estate to execution, was,

On motion of Mr. Milroy, taken from the committee of the whole, and placed in the orders of the day.

No. 26, of the Senate, for the benefit of John Robinson, was read a third time and passed.

No. 27, to prevent illegal voting at elections, was read, and,

On motion of Mr. Herriman, laid on the table.

Mr. Owen and others, entered the following protest:

We, the undersigned, members of the House of Representatives, protest against the passage of a bill for the relief of Patrick McGinley.

Because they have seen no proof that such relief ought, in justice, to be afforded; or that said McGinley has not been fully paid for all the work done by him on the contract under which relief is claimed.

Because the select committee of the House appointed to investigate the claim were never called together; did not meet to examine the evidence, and made their report without, as a committee, instituting any investigation whatever.

Because, when that report was made, the bill passed the House unnoticed, without inquiry or a word of discussion.

Because, when the vote on the passage of the bill was reconsidered, pending the discussion, without the documents therewith connected and obtained by the House from the State officers, being once read to the House, and while several members were anxiously desirous of submitting further facts in proof of the injustice of the claim, the previous question (which ought never to be used except in cases of dangerous excitement or emergency) was called, all debate was cut off, and the bill passed.

Because, on a second motion to reconsider, made for the sake of presenting to the House the additional facts of the case, debate was again cut off by a point of order.

Because the precedent is a dangerous one.

Because the system of special legislation for individual relief is, when carried to a serious extent, corrupting to individuals in its influence, and ruinous to the State in its consequences.

Because if the custom is countenanced of passing special acts to throw into court the claims of contractors, there is great temptation for members of the House, who happen to be powerful debaters and to be members of the bar, to take up and advocate such claims in the

House, in hopes of a grateful client and a large fee in court afterwards; a temptation to which we are bound to suppose no member of this House will give way, but which it is wise and prudent not unnecessarily to create.

Because the tendency of this special relief legislation is to fill our lobbies with clamorous applicants, whose claims are likely to be successful, not in proportion to their intrinsic justice, but to the ingenuity and address with which the claimants privately urge them on the members of the legislature.

Because, in the words of the eighth annual report of the canal commissioners of Ohio, "the State of New York, after having adopted and for several years practised on the principle of making allowances to contractors over and above the contract prices, where losses were alleged to have been sustained, found the consequence of the system so pernicious as to induce the legislature to prohibit by law, the commissioners from paying greater prices than those contained in the written contracts, in all cases whatever.

Because, in the words of the same report, "if the State of New York found it necessary to prohibit a practice which was likely to embarrass even her extensive resources, it is certainly prudent for us to pause before we adopt the course which that great State found it necessary to abandon."

Because, in the further words of the same report, "whenever the estimated value of the work and not the price fixed in the contract is to govern, bids will be made without examination or care, and the contract will be reduced to a mere nullity; every artifice will be resorted to, to conceal the real, and enhance the apparent cost of the work: and those who are too honest and high minded to descend to these arts, dishonorable in themselves and demoralizing in their influence on society will, in practice, be driven from a fair competition with those whose sense of moral integrity and honor is of a more flexible character. Such a principle introduced into the management of great public works operates in practice as a premium on dishonorable artifice, and excludes honest men from participating in its execution: making fortunes for the least deserving, at the expense of the more honest and industrious citizen."

Because the duty of declaring contracts abandoned is one of the most disagreeable and unpopular which is imposed upon the state officers connected with internal improvement; and because, unless, in the faithful performance of this disagreeable duty, these officers be sustained by the House, the temptation will be great for members of the board, as well as Engineers, to escape the responsibility by sacrificing the interests of the state; so that men of probity will desert the service, and time servers, or worse, will take their places. And finally,

Because relief, when relief is fairly due, ought to be granted by a general law of appeal, not by special acts of individual legislation.

Robert Dale Owen,	C. B. Jackson,
George H. Proffitt,	J. L. Wines,
Samuel Howe Smydth,	James Townsend,
John A. Matson,	Jno. Flint,
William M. Kenton,	Samuel S. Clymer,
James Devin,	Amory Kinney,
C. C. Graham,	Wm. T. Noel,
Wm. P. Dole,	Caleb Lewis,
Alexander Wilson,	W. Vance,
James Blair,	J. F. Allison,
G. W. Cutter,	R. J. Hubbard,
G. H. Johnston,	Jonathan Williams,
A. M. Puett,	James Earl,
T. G. Lee,	Henry Wyman,
Joseph Lane,	Philip Mason,
Jos. McCormick,	Melchert Helmer,
Jos. Anderson,	Berrien Reynolds,
Miles Hunt,	Samuel Sands,
D. B. Herriman,	E. Rose,
L. G. Thompson,	John Willey,
Jesse H. Healey,	John Reily,
W. Terrell,	John C. Chiles.

Mr. Cogswell offered for adoption the following resolution:

*Resolved*, That so much of the protest signed by Robert Dale Owen and others, as states that no discussion was had on the passage of said bill is incorrect and not true in fact.

Mr. Marshall offered the following amendment:

*Resolved further*, That the protest is uncourteous to the majority of the House, that it is intended to insinuate charges against members of the House, and not to give a just expose of the views of the majority.

*Resolved further*, That it is a fact known to this House, that the previous question was also called by a member of the House who voted against said bill and withdrawn by him at the request of the person who afterwards moved it, and was sustained by the votes of some of those who voted against the bill on the final passage.

*Resolved further*, That said protest does not contain a fair representation of the facts as they occurred.

Mr. Perine moved to lay said resolution and amendments on the table;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Anderson, Brown, Bright, Clymer, Cutter, Earl, Graham, Helmer, Herriman, Hubbard, Hunt, Jackson, Johnston of Monroe,

Lane, Lee, Lewis, Mason, Matson, McCormick, McNary, Noel, Perinc, Reily, Rose, Terrell, Thompson, Vance, Williams, Wilson of M., Wines, and Wyman—32.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Arnold, Baker, Blair, Boon, Bowles, Bryant, Bryce, Carr of J., Carr of L., Champer, Chapman, Cline, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Dole, Dumont, Eggleston, Egbert, Eldridge, Field, Flint, Glass, Gregory, Hanna, Healey, Hendricks, Hurst, Johnson of Marion, Jones, Judah, Kenton, Kinney, Major, Marshall McClure, Milroy, Monroe, Morgan, Morrow, Nelson, Owen, Parker, Peaslee, Powell, Proffitt, Puett, Reynolds, Rush, Sands, Smydth, Spann, Stewart, Townsend, Wilson of H., and Mr. Speaker—60.

So said resolution and proposed amendment was not laid on the table.

On motion, the House adjourned.

FRIDAY, FEBRUARY 1, 1839.

House met pursuant to adjournment.

Mr. McNary offered for adoption the following resolution:

*Resolved*, That hereafter when this House adjourns it will adjourn to meet a half past 8 o'clock, A. M.;

Which was not adopted.

The following message was received from the Senate by Mr. Dunning, a member:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the resolution of the House to proceed to the election of prosecuting attorneys for the 10th and 11th circuits on this morning at 10 o'clock, with an amendment to extend the time of the election until to-morrow morning, 10 o'clock.

The Senate then came into the hall of the House of Representatives and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker; and both Houses proceeded by joint ballot to vote for prosecuting attorney of the 10th

judicial circuit, Messrs. Stewart and Clymer acting as tellers on the part of the House;

And on counting the first ballot it appeared that

John S. Watts received	95 votes.
George G. Dunn “	47 “
Scattering “	2 “

John S. Watts having received a majority of all the votes given, was, by the President of the Senate, declared duly elected prosecuting attorney of the tenth judicial circuit of the state, to serve as such for the term of two years from and after this date.

Both Houses then in like manner proceeded to the election of prosecuting attorney for the eleventh circuit;

And on counting the first ballot it appeared that

Jehu T. Elliott received	66 votes.
John Brownlee “	62 “
Zechariah Puckett “	11 “
Scattering “	5 “

No person having received a majority of all the votes given; both House in like manner proceeded to a second balloting;

And on counting the votes it appeared that

Jehu T. Elliott received	88 votes.
John Brownlee “	55 “
Scattering “	1 “

Jehu T. Elliott having received a majority of all the votes given, was, by the President of the Senate, declared duly elected prosecuting attorney of the eleventh judicial circuit of the state, to serve as such for the term of two years from and after this date.

The Senate then returned to their chamber;

When the following message of the Senate was taken up:

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 77, entitled An act to sell certain real estate therein named, and for other purposes;

With an amendment, in which the concurrence of the House is respectfully requested:

Also the Senate has passed engrossed bills thereof as follows, viz:

No. 129—An act to amend an act entitled An act for the incorporation of county libraries;

No. 152—An act to incorporate the Bloomington band; and,

No. 165—An act to provide for an additional justice of the peace in the county of Boon;

In which also the concurrence of the House is respectfully requested.

The House concurred in the amendment of the Senate to bill No. 77, in said message mentioned.

Nos. 129, 152, and 165, were each read and passed to a second reading on to-morrow.

On motion of Mr. Marshall,

The rules of the House were suspended, when he withdrew his amendment proposed on yesterday, to a resolution offered by Mr. Cogswell, in relation to the protest of Mr. Owen and others, and proposed the following as a substitute therefor;

Which was accepted by Mr. Cogswell as a modification of his resolution, to-wit:

Whereas one Patrick McGinley caused to be presented to this House his petition, by which and otherwise, it appears that he was the contractor with the State for the construction of the Silver creek bridge; that he had, by his contract, bound himself to perform the work at a stipulated price, according to a plan to be furnished by the Resident or Principal Engineer; that he had commenced and continued the construction of the same, under the eye and according to the direction of one Dillet as principal, and Husher as resident Engineer on said line, until his labor, and the materials furnished, were worth, at contract prices, more than \$30,000; that after he had thus progressed in the construction of said bridge, Jesse L. Williams, the Chief Engineer, ordered the work to be stopped and abandoned, alleging it was not done according to contract, and would not answer the purpose for which it was intended; and that the said Jesse L. Williams advised D. H. Maxwell, the member of the Board of Internal Improvement who had the general superintendence of said work, to withhold any balance that might be coming to said contractor, for his labor, which balance exceeded the sum of \$9,000; that in consequence of the suspension of his contract, the said McGinley, was compelled to sell his stock (consisting of every thing necessary for carrying on said work) at a loss of about \$3000; that said McGinley also alleged that his work was done according to his contract, and if permitted, he could prove the same, to the satisfaction of any competent tribunal, and that he could shew himself entitled by law, under his contract, to about \$9000, besides the damages sustained by him on account of the suspension.

And whereas, it appeared by an estimate made by the said Husher as resident Engineer, that there was due the said McGinley from the State, on said contract, exclusive of the ten per cent. retained, about \$6000, and including said per cent. about \$9000. And whereas Jesse L. Williams, in his letter to D. H. Maxwell, immediately after the suspension of said works, says: "I do not suppose there has been any want of industry and attention on the part of the assistant, who has had the immediate charge, for I am told he is devoted to the work. The evil is no doubt attributable mainly to his want of experience in the actual construction of such works—the principal source of error and waste in the management of public improvements;" thereby

shewing that the error in the construction of said work, was the error of the Engineer under whose superintendence it was constructed, and owing to his inexperience, and not the fault of the contractor; because he was bound by his contract to construct the work according to the plan of the Engineer, and not his own;

And whereas, it also appears that the Board of Internal Improvement have resolved that they will make no further allowance to said contractor for his labor;

And whereas, the petition of said McGinley was referred to a committee, who reported to the House a joint resolution, giving said McGinley power to commence a suit against the State in the Floyd county Circuit Court, to ascertain in what amount the State was indebted to him on said contract, for labor done on said bridge; thereby allowing him to try his rights by a jury of the country, and have the same determined according to law and evidence; so that if he has got sufficient compensation he should receive nothing but pay the costs, and if he is entitled to any thing however little, that he may receive the same;

And whereas, great opposition was made in the House to that resolution, and another measure providing relief for another contractor, on the ground that the contractors might use the evidence of Irishmen, and thereby prove any thing;

And whereas, we could see no reason why the evidence of Irishmen or any other persons, might not prove the State indebted to one of her citizens, where the same persons might prove the citizen guilty of a crime which would be punished with death;

And whereas, the said joint resolution was, on motion of D. Wines, referred to a select committee, consisting of the mover, Owen, Gregory, Miller, and Marshall, and was by consent of all the committee reported back with an amendment, providing for the trial of the cause by the court without a jury, thereby trying to obviate the objections of members opposed to it;

And whereas the said resolution was so amended and passed without opposition, and afterwards the vote on its passage reconsidered, and an animated and lengthy debate had on its final passage, and such parts of the correspondence of Jesse L. Williams, on the subject of said suspension, reported by him to this House, as were thought pertinent by the members opposed to the resolution, were repeatedly read aloud in the House until the House become wearied of the debate, and one of the members opposed to said resolution twice called the previous question, and withdrew it at the request of the person who finally moved it;

And whereas, when the previous question was moved, it was sustained by the votes of some of those who opposed the passage of said resolution;

And whereas, on the final passage of said bill, one of the persons who voted for same, voted for it with the express view of moving a reconsideration of said voted, thereby to harrass the friends of said reso-

lution, until they would give it up, rather than spend so much time and money in its consideration;

And whereas, we have been taught from our infancy that the law is and ought to be supreme, and that no man or set of men ought to violate, much less trample it under foot with impunity, whether they be public officers or private citizens, that every citizen of the State however humble, or however traduced and villified, has a right to justice administered according to law, and for this purpose has a right to petition this House, that the sacred temple of justice, which our constitution has guaranteed shall be open to all may not be shut against him, at least when no higher offence is charged than the violation of a contract, and this caused by the inexperience of a State agent;

And more especially, when he only asks the State to perform her solemn contract with him and does not ask for indemnity for losses sustained by him on account of his folly or inexperience;

And whereas, it is sufficient for us to know that injustice *may have* been done to a citizen to institute an investigation into the fact through a court of justice, the best possible means of ascertaining truth;

And whereas there can be no possible danger to the State from such precedent, because if he has got as much as the state is bound to pay him by the contract the law is satisfied and the court can allow no more, and if its tendency is to make applications frequent to the legislature, and through the lobbies by applicants and present motives to members to advocate their cause, the expense must be theirs, because they can receive no more than the law allows, and this justice requires;

And whereas, also, it appears that that many of the United States together with England herself has provided means by law, by which the citizen can have his claim on the state or kingdom determined by a court, and no evil has been found, by experience to grow out of it; but on the contrary it is found to be the best means ever devised of making officers and kings amenable to the law, and of enabling the law to extend its protection to the most helpless citizen;

Although it is true that "the State of New York, after having adopted and for several years practised on the principle of making allowances to contractors *over* and above the contract prices," abandoned this plan because it opened a door to fraud and induced the contractors on her public works to claim compensation for pretended losses; but we have never heard of a State complaining that she was compelled by law to perform the contract. It is not "an estimated value," but the price fixed in her contract she is asked to pay.

And whereas, there is the strongest possible inducement for engineers, when they find by their own neglect or "want of experience," the work is not likely to answer the end for which it was intended, to declare the contract forfeited for the fault of the contractor, thereby relieving themselves from responsibility, and by throwing the cost on the contractor, relieving the State from expense, thereby preventing complaint from reaching the public ear, and confining it to the narrow circle of the contractor and his family, who by it may be turned

pennyles upon the world without a shelter to cover them from the storm;

And whereas, from the whole case, we may safely assume as a fact, that at the time Jesse L. Williams first saw the work, it was his duty, as a faithful public servant, to condemn it, believing, as he did, that it would not answer the purposes for which it was intended; yet the question recurs under such a complex state of the case, (the contractor having acted according to the direction of the agent of the state) What are his rights? How much, is he required by the law of the land to lose by this operation? A question, however competent Mr. Williams may be as an Engineer, he is totally incompetent, as a lawyer, to determine. This question (we proclaim to the country) we felt it our duty to refer to the court: therefore,

*Resolved*, That we believe, we could not render a more acceptable service, to those who sent us here, than by paying to the laborer the utmost farthing of his earnings.

*Resolved further*, That the protest against the passage of the joint resolution for the relief of Patrick McGinley, in as far as it does not contain the foregoing facts, is calculated to mislead the public.

Mr. Proffitt moved a call of the House;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Allison, Anderson, Arnold, Baker, Brenton, Bright, Bryant, Bryce, Champer, Chapman, Clymier, Cogswell, Cutter, Devin, Dole, Earl, Eggleston, Eldridge, Flint, Graham, Healey, Helmer, Herriman, Hubbard, Hurst, Jackson, Jones, Kenton, Lewis, Marshall, Mason, Matson, McClure, McCormick, McNary, Morrow, Owen, Parker, Powell, Proffitt, Puett, Reynolds, Rose, Sands, Smydth, Spann, Stewart, Terrell, Townsend, Vance, Willey, Williams, Wilson of H., Wilson of M., and Wyman—56.

*Those who voted in the negative were*

Messrs. Alley, Boon, Bowles, Brown, Carr of J., Carr of L., Cline, Cooper, Conaway, Cotton of P., Cotton of S., Dumont, Egbert, Field, Glass, Hanna, Hendricks, Johnson of Marion, Judah, Kinney, Lane, Lee, Major, Monroe, Morgan, Nelson, Noel, Peaslee, Reily, Wines, and Mr. Speaker—31.

When, on motion, the House adjourned.

*Two o'clock, P. M.*

The House met.

On motion of Mr. Milroy, leave granted,

*Resolved*, That this House will, on each day during the remainder of the session, take up the orders of the day at 10 o'clock, A. M., and continue the consideration of the same until disposed of.

The House then proceeded to the consideration of the resolution pending at adjournment; when the question recurred on its adoption, And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Arnold, Baker, Boon, Bowles, Brown, Bryant, Bryce, Carr of L., Champer, Chapman, Cline, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Egbert, Eggleston, Eldridge, Field, Glass, Gregory, Hanna, Hendricks, Hurst, Johnson of Marion, Jones, Judah, Major, Marshall, McClure, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Parker, Peaslee, Powell, Spann, Stewart, Wilson of H., and Mr. Speaker—46.

*Those who voted in the negative were*

Messrs. Allison, Anderson, Blair, Brenton, Bright, Carr of J., Chiles, Clymer, Cutter, Devin, Dole, Earl, Flint, Graham, Healey, Helmer, Herriman, Hubbard, Hunt, Jackson, Johnson of Monroe, Kenton, Kinney, Lane, Lee, Lewis, Mason, Matson, Noel, Owen, Proffitt, Puett, Reynolds, Reily, Rose, Sands, Smydth, Terrell, Thompson, Townsend, Vance, Willey, Williams, Wilson of M., Wines, and Wyman—46.

So said resolution was not adopted.

Mr. Stewart presented the remonstrance of James R. McBeth and others, against extending the limits of the city charter of the town of New Albany over a certain tract of land therein named;

Referred to the committee on corporations.

The following messages were received from the Senate by Mr. Test, their Secretary:

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House as follows, viz:

No. 171—An act relative to the location of the county seat of Jasper county, and for other purposes;

No. 285—An act to incorporate Goulding's patent bagging manufacturing company;

Each without amendment.

Also the Senate has passed an engrossed bill thereof,

No. 59, entitled An act to incorporate the town of Newcastle in Henry county;

In which latter bill the concurrence of the House is respectfully requested.

No. 59, in said message mentioned, was read twice and passed to a third reading on to-morrow.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill thereof,

No. 124, entitled An act supplemental to an act to incorporate the Connersville and Fort Wayne Savings Institution and Insurance company;

In which the concurrence of the House is respectfully requested. Said bill was read and passed to a second reading on to-morrow.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 18, entitled An act to incorporate the Governor's Guards of Evansville;

With amendments, in which the concurrence of the House is respectfully requested.

The House refused to concur in the first amendment made by the Senate to said bill, and concurred in the second.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate insist on their amendment to the joint resolution of the House,

No. 94—entitled a joint resolution on the subject of a mail stage line from Indianapolis to Evansville;

The Senate have also passed engrossed bills of the House as follows, viz:

No. 132—An act to incorporate the Marion Blues and for other purposes.

No. 173—An act locating a State road in the county of Dearborn;

No. 269—An act relative to the owners of forfeited lands in the State of Indiana;

No. 173 and 269, without amendment, and No. 152 with an amendment, in which the concurrence of the House is respectfully requested.

The House receded from their disagreement to the amendment of the Senate, to

No. 94, in said message mentioned.

The House concurred in the amendment of the Senate to No. 132,

MR. SPEAKER—

I am directed by the Senate to return to the House of Representatives an engrossed bill of the House,

No. 141—entitled An act for the relief of John Rodolph Fischli, in accordance with the resolution of the House of yesterday.

Mr. Truelock moved to reconsider the vote on the passage of said bill which did not prevail.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed joint resolution

No. 79, on the subject of the southern States, originating in the House, without amendment;

Also, the Senate has passed an engrossed joint resolution thereof,

No. 171, in relation to the ninth judicial circuit;

In which the concurrence of the House is respectfully requested.

No. 171, in said message mentioned;

Was read and passed to a second reading on to-morrow.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills and a joint resolution of the House as follows:

No. 46—An act to amend an act entitled An act to regulate the mode of doing county business in the several counties in this State, approved February 17, 1838.

No. 112—An act authorizing the opening of a State road therein named;

No. 133—An act relating to a lunatic Asylum in Fayette county;

No. 144—A joint resolution in relation to the supreme Judge of the State of Indiana;

No. 147—An act to legalize the sale of school section of congressional township No. 3 north, of range No. 6 east, in Scott county;

No. 179—An act to relocate a part of the State road from Lawrenceburgh to Harrison in Dearborn county;

No. 272—An act to authorize Louisa Jane Capatt to make conveyance of real estate, each without amendment;

Also the Senate has passed engrossed bills of the House as follows, viz:

No. 33—An act to amend an act entitled An act to incorporate the Crawfordsville and Williamsport turnpike company;

No. 58—An act amendatory to an act entitled An act authorizing a change of venue in certain cases therein named, approved January 1838;

No. 170—An act to provide for the election of a justice of the peace and constable in the town of Millgrove in Owen county;

No. 268—An act to appropriate the 3 per cent. fund in Fountain county;

Each with amendments, in which the concurrence of the House is respectfully requested;

Also the Senate has passed engrossed bills thereof entitled as follows, viz:

No. 55—An act to relocate a certain State road therein named.

No. 57—An act to locate a State road from Muncietown to Camden.

No. 152—An act to locate a State road from New Albany in Floyd county to Charlestown in Clark county;

No. 133—An act to amend an act incorporating congressional townships, and providing for public schools therein, approved February 17, 1838;

No. 138—An act establishing a State road therein named;

No. 140—An act to vacate part of a State road in the county of Wayne;

No. 141—An act to legalize the proceedings of the President and Trustees of the Morgan county seminary;

No. 142—An act to locate a State road from Marion in Grant county to Delphi in Carroll county;

No. 143—An act to change the mode of electing the members of the board doing county business in Perry county;

No. 145—An act for the relief of John Busby;

No. 147—An act concerning a road in Porter and Lake counties;

No. 149—An act to relocate a part of the Greenfield and Franklin State road;

No. 150—An act supplemental to an act entitled An act to amend an act entitled An act to incorporate the town of Princeton, approved December 20, 1838;

No. 153—An act to repeal an act entitled An act relative to taverns and tavern keepers in Vermillion county; and

No. 160—An act to amend an act entitled An act to amend an act entitled An act to incorporate the Michigan city, approved February 8, 1836;

In which also the concurrence of the House is respectfully requested.

The House concurred in the amendments of the Senate made to Nos. 33, 58, 170, in said message mentioned; and concurred in the amendment to 268, with an amendment; Nos. 54, 57, 132, 133, 140, 141, 142, 143, 145, 157, 149, 150, 153, and 163,

Were each read and passed to a second reading on to-morrow.

No. 138, was read twice and referred to a select committee of Messrs. Lee, Terrell and Spann.

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed joint resolution of the House,

No. 95, on the subject of locating the northern end of the Central canal; and

No. 313, an engrossed bill of the House entitled An act] to incorporate the Jeffersonville association;

Each with amendments in which the concurrence of the House is requested;

Also the Senate has passed engrossed bills thereof as follows:

No. 53—An act to amend the several acts for the collection of the revenue, and to repeal an act to provide a fund to encourage common schools, approved February 2, 1832; and an act in furtherance thereof, approved February 7, 1835;

No. 95—An act to provide for the relocation of the seat of justice of Scott county:

No. 135—An act to amend act entitled An act to enable the school commissioner of the several counties of this State to correct the returns of collectors, approved February 1, 1836;

No. 183—An act to locate a State road from South Bend to Lafayette;

No. 186—An act amendatory of an act entitled An act providing a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838; and

Engrossed joint resolutions, thereof,

No. 176, relative to the 3 per cent. on lands in this State sold at Cincinnati; and

No. 173, to authorize the Secretary of State to perform an act therein named;

To each of which bills and joint resolutions of the Senate the concurrence of the House is respectfully requested.

The House concurred in the amendment to

No. 313, in said message mentioned

No. 53, read twice and referred to the committee on ways and means.

No. 183, read twice and passed to a third reading on to-morrow.

No. 135, 186, 176, and 173, were each read and passed to a second reading on to-morrow.

No. 95, first amendment of the Senate concurred in.

Mr. Kilgore moved to concur in the second with an amendment,

When, on motion of Mr. Kilgore, said bill was laid on the table.

Mr. Morgan reports:

**Mr. SPEAKER—**

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills with the enrolled bills, and find the same correctly enrolled, viz:

No. 181, of the Senate, An act supplemental to an act to amend an act dividing the State into Judicial Circuits and fixing the times for holding courts therein, and for other purposes, approved February 10th, 1831, approved January 28th, 1839.

No. 32, of the House, An act granting the State of Illinois the right of way within this State to connect the Northern Cross railroad in Illinois, with the Wabash and Erie canal at Perryville, Indiana.

The following message was received from the Governor by J. M. Wallace, his Secretary.

MR. SPEAKER—

I am directed by his Excellency the Governor to inform the House of Representatives that he has approved and signed the following bills and joint resolution, which originated in this House;

No. 47, a bill to incorporate the town of Jeffersonville.

No. 201, An act to incorporate the Rushville Steam Mill company.

No. 114, An act concerning Knox county.

No. 287, An act for the relief of Abner McCarty, and other purchasers of Michigan road lands.

No. 64, An act granting to the State of Illinois the right of way within this State, to connect the Northern Cross Cut railroad, with the Wabash and Erie canal at Covington, Indiana.

No. 112, An act authorizing the opening of a State road therein named.

No. 272, An act authorizing Louisa Jane Cossat to make conveyance of real estate.

No. 147, An act to legalize the sale of the school section of congressional township No. 3 north of range No. 6 east, in Scott county.

No. 144, a joint resolution in relation to the Supreme Judges of the State.

No. 285, An act to incorporate Goulding's Patent Bagging Manufacturing company.

No. 171, a bill relative to the county seat of Jasper, and for other purposes.

No. 128, An act to amend an act entitled An act relating to county Seminaries, approved February 16th, 1838.

No. 269, An act relative to the owners of forfeited lands in the State of Indiana.

No. 79, a joint resolution on the subject of the southern States.

No. 173, An act locating a State road in the county of Dearborn.

No. 179, An act to relocate a part of the State road from Lawrenceburgh to Harrison, in Dearborn county.

No. 111, An act to authorize John Manning to build a mill dam across the Little St. Joseph river.

No. 127, An act to incorporate certain Turnpike companies therein named.

No. 46, An act to amend the act entitled An act to regulate the mode of doing county business in the several counties of this State, approved February 17th, 1838.

No. 133, An act relating to a Lunatic Asylum in Fayette county.

No. 109, An act incorporating the Dearborn county Seminary.

Mr. Proffitt presented the petition of James E. McClelland and others, praying the repeal of a law embracing an addition to the town of Jeffersonville, in the corporation limits of said town;

Referred to the committee on the judiciary.

Mr. Kilgore presented the petition of the Trustees of the Ohio Deaf and Dumb Assylum of Ohio.

Referred to the committee on education.

Mr. Terrell presented the petition of sundry citizens of Bartholomew county, praying an act to incorporate the seminary of said county.

Referred to a select committee of Messrs. Terrell, Lee, and Truelock.

Mr. Hubbard, from the committee on ways and means, reported bill

No. 365, pointing out the mode of collecting taxes, and the per centum for State purposes;

Which was read twice, laid on the table, and two hundred copies ordered to be printed.

Mr. Peaslee introduced joint resolution

No. 366, in relation to public officers and elections,

Which was read, when,

Mr. Terrell moved to reject it;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Brenton, Cogswell, Cooper, Cotton of P., Dumont, Earl, Egbert, Helmer, Jones, McClure, McCormick, Smydth, Terrell, Wilson of H., and Mr. Speaker—17.

*Those who voted in the negative were*

Messrs. Allison, Anderson, Arnold, Baker, Blair, Boon, Bowles, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Chiles, Cline, Conaway, Cotton of S. Cutter, Devin, Dole, Eldridge, Field, Flint, Glass, Graham, Gregory, Hanna, Healey, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Johnson of Monroe, Judah, Kenton, Kinney, Lane, Lee, Lewis, Major, Marshall, Mason, Matson, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Parker, Peaslee, Perine, Powell, Proffitt, Reynold, Reily, Rose, Sands, Spann, Stewart, Townsend, Truelock, Vance, Williams, Wilson of M., Wines, and Wyman—70.

So said joint resolution was not rejected.

On motion, the House adjourned.

SATURDAY, FEBRUARY 2, 1839.

House met pursuant to adjournment.

Mr. Sands presented the remonstrance of sundry citizens of Crawford county, against the location of a road therein named;

Referred to the select committee to which a petition on the same subject was referred.

Mr. Wines presented the petition of John Comstock and others, for the location of a part of a state road therein named;

Referred to the committee on roads.

Mr. Major presented the petition of sundry citizens of Clinton, on the subject of a road from Muncietown to Lafayette;

Referred to the committee on roads.

Mr. Bowles presented the petition of sundry citizens of Orange county, praying for the election of an additional justice of the peace in said county;

Referred to a select committee of Messrs. Bowles, Reiley, and Baker.

Mr. Williams presented the petition of sundry citizens of Morgan county, on the subject of a state road therein named;

Referred to a select committee of Messrs. Williams, Allison, and Chiles.

Mr. Wilson of H. presented the remonstrance of sundry citizens of Harrison county, against a review of the state road from Corydon to Leavenworth;

Referred to a select committee to which a petition on the same subject has been referred.

Mr. McClure presented the petition of sundry citizens of Laporte county, against the repeal of the law granting license to grocers;

Referred to the judiciary committee.

Mr. Proffitt presented the petition of sundry citizens of Dubois county, praying an act to legalize the acts of the board of commissioners of said county;

Referred to a select committee of Messrs. Proffitt, Devin, and Graham.

Mr. Thompson, from the committee on corporations, reported back to the House bill

No. 324, to incorporate the city of Fort Wayne;

Which was ordered to be engrossed for a third reading on to-morrow.

Mr. Blair made the following report:

Mr. SPEAKER—

The committee on public buildings, to whom was referred the report of the keeper of the state house, have taken into consideration the several matters and suggestions contained in that report and other references made to your committee by the House,

The committee are of opinion that it is advisable to authorize the insurance of the state house, against loss by fire; and also to give contingent authority to the Treasurer of State to change the mode of heating the halls, as suggested in his report; the measure to be taken only upon satisfactory evidence of the utility of the change, after careful inquiry upon the subject.

The committee herewith report a bill providing for carrying into effect the above suggestions.

The committee do not deem it advisable to authorize the erection of fireproof offices at the present, partly on account of the necessity of appropriating all the spare means of the Treasury to meet the existing obligations of the state; and for another consideration, that the completion of the public works in the vicinity, will greatly reduce the price of the materials necessary in their construction.

The committee, on inquiry, have ascertained that fireproof rooms and vaults can be obtained in the new bank building now being erected, have in the bill now reported, made the necessary provision on that subject, and which the committee deem most advisable for the present.

The general authority given by law to the Treasurer of state, in relation to the state house, well enable him to make such repairs and improvements to the house, and such provision in relation to furniture, &c. as may be required, without any new provision by law, other than is provided in the bill herewith reported.

The committee have examined the vouchers submitted to it, by the Treasurer, for expenditures on account of the state house, and incidental expenses of the General Assembly for the past year, and find them correct, and amounting altogether, to ten hundred and forty-two dollars and 10-100.

The committee recommend, that provision be made for the payment of this, in the specific appropriation bill.

Respectfully submitted.

Mr. Thompson, from the committee on agriculture, reported bill No. 368, to amend an act for the encouragement of agriculture, and for the improvement of the breed of cattle;

Which was read twice, and referred to a select committee of Messrs. Thompson, Owen, Wilson of H., and Puett.

Mr. Conaway, from a select committee, reported

No. 369, to incorporate the Morgantown and Greensburgh turnpike company;

Read twice and referred to the committee on corporations.

Mr. Cutter, from a like committee, reported

No. 370, to provide for the election of a justice of the peace in Vigo county;

Read twice and ordered to be engrossed for a third reading an tomorrow.

Mr. Milroy, from a like committee, reported back to the House without amendment, bill

No. 363, attaching certain territory to counties therein named;  
*Ordered* to be engrossed for a third reading on to-morrow.

Mr. Field, from a like committee, reported

No. 371, for the appointment of a board of visitors for the State University;

Which was read a second and third times and passed.

*Ordered*, That the Senate be informed thereof.

Mr. Cline, from a like committee, reported bill

No. 372, to provide for the sale of a school section in Lake county;  
 Read and passed to a second reading on to-morrow.

Mr. Hubbard, from the committee on ways and means, reported bills,

No. 373, to levy a tax on certain professions and officers;

No. 374, to appoint a state board of equalization for 1839;

Both of which were read and passed to a second reading on to-morrow.

The House now went into the orders of the day and took up bills on their third reading:

No. 91, to refund certain moneys to counties therein named,

Was read a third time;

And the question being, Shall the bill pass?

The ayes and noes were demanded thereon:

*Those who voted in the affirmative were*

Messrs. Allison, Blair, Boon, Brown, Bryant, Bryce, Carr of J., Carr of L., Chiles, Cogswell, Cotton of P., Cutter, Dole, Earl, Egbert, Eldridge, Gregory, Hunt, Hurst, Judah, Kenton, Kilgore, Lane, Lee, Major, Marshall, Mason, McClure, McCormick, Milroy, Morrow, Nelson, Noel, Perine, Puett, Reynolds, Smydth, Terrell, Thompson, Townsend, Vance, Wilson of M., Wines, Wyman, and Mr. Speaker—46.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Bowles, Brenton, Bright, Chapman, Cline, Cogswell, Cooper, Conaway, Cotton of S., Devin, Dumont, Eggleston, Flint, Glass, Graham, Hanna, Healey, Helmer, Hendricks, Herriman, Hubbard, Jackson, Johnson of Marion, Johnson of Monroe, Lewis, Matson, Monroe, Morgan, Owen, Parker, Peaslee, Powell, Proffitt, Reily, Rose, Rush, Sands, Spann, Stewart, Truelock, Wiley, Williams, and Wilson of H.—48.

So said bill did not pass.

No. 282, relative to an additional justice of the peace in Green county;

No. 281, relative to the town of Evansville;

No. 276, to provide for the election of a justice of the peace in Knox county;

- No. 99, to amend act incorporating the the town of Perryville, in Vermillion county;
- No. 43, (of the Senate) to authorize the election of a justice of the peace in Plymouth, Union county;
- No. 90, (same) to change the name of Clarksburgh in Boon county;
- No. 97 to legalize the incorporation of Lebanon in Boon county;
- No. 37, to relocate a State road from Germantown to Noblesville;
- No. 126, declaring Main Flatrock a public highway;
- No. 126, (of the House,) to incorporate the town of Danville in Hendricks county;
- No. 149, to authorize the refunding of money in certain cases;
- No. 155, to amend an act regulating the jurisdiction and duties of justices of the peace;
- No. 192, concerning standing committees;
- No. 98, (Senate,) for the relief of Catharine Falkner;
- No. 297, (House,) for the relief of Matthew Griggs;
- No. 318, for the relief of persons who made improvements on the donation prior to the location of the seat of government;
- No. 283, to incorporate the Orange county female seminary.
- No. 37, to amend an act authorizing the appointment of pilots at the Falls of the Ohio river;
- No. 174, to extend the corporate limits of Rising Sun;
- No. 176, to amend an act relative to county boundaries;
- No. 185, to amend an act regulating the mode of doing county business in the several counties in this State;
- No. 195, to amend an act concerning county boundaries so far as the counties of Lake, Porter and Newton are concerned;
- No. 200, to revive an act in relation to the burning of the records of Dearborn county;
- No. 196, to amend an act relative to county boundaries;
- No. 186, to amend an act concerning agricultural societies;
- No. 164, to locate a State road from Spencer in Putnam county, to Aquilla, in Clay county;
- No. 344, to provide for the election of a justice of the peace in Montezuma;
- No. 273, for the relief of the securities of N. Sexton, late collector of Laporte county;
- No. 346, to change the name of Isaac Smith in Crawford county;
- No. 337, to provide for the crection of a bridge across the Big Vermillion in Vermillion county;
- No. 325, directing the leasing of water power at the Wabash dam near Delphi;
- No. 165, to incorporate the citizens' canal basin, Milton, Wayne county Indiana;
- No. 327, joint resolution for the relief of William Perjue;
- No. 319, repealing an act vacating part of a street in the donation to the town of Indianapolis;
- No. 348, to incorporate the Goshen and Wabash turnpike company;

No. 336, to amend an act granting to the citizens of Madison and Lawrenceburgh city charters;

Were each read a third time and passed.

*Ordered*, That the Senate be informed thereof;

No. 88, to amend an act regulating the fees and salaries of certain persons therein named;

Was read a third time, the question being, Shall it pass, which was decided in the negative.

No. 160, concerning crime and punishment;

Was recommitted to a select committee of Messrs. Kilgore, Alley, and Judah.

No. 172, to relocate a part of the State road from Martinsville to Greencastle;

Was on motion of Mr. Williams, laid on the table.

No. 159, to provide for public printing, and the distribution of the laws and journals; was

On motion of Mr. Cotton of S., laid on the table.

No. 157, to provide for the survey of a road from Charlottesville via Rushville to the Whitewater canal;

Was on motion of McNary laid on the table.

On motion the House adjourned.

*Two o'clock, P. M.*

The House met.

No. 151, to authorize the raising by lottery, the sum of \$75,000 for to grade a street in the town of Jeffersonville;

Was read a third time and did not pass; ayes 28—noes 46.

The ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Boon, Bright, Bryant, Bryce, Chapman, Chiles, Conaway, Cutter, Dole, Eldridge, Field, Hendricks, Hurst, Judah, Kenton, Lee, Mason, McClure, McNary, Monroe, Nelson, Parker, Perine, Puett, Reily Thompson, and Mr. Speaker—28.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Bowles, Brenton, Brown, Cline, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Devin, Dumont, Earl, Egbert, Flint, Glass, Healey, Helmer, Hubbard, Jackson, Johnson of Marion, Lewis, Major, Matson, Morrow, Owen, Powell, Rose, Sands, Smydth, Spann, Stewart, Terrell, Townsend, Truelock, Vance, Willey, Williams, Wilson of H., Wilson of M., Wines, and Wyman—46.

On motion of Mr. Dole, bill

No. 159, to provide for public printing and the distribution of the laws and journals,

Was taken from the table, read a third time and passed.

No. 318, to regulate the militia of the State,

Was read a third time, and the question being, Shall it pass?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Anderson, Arnold, Baker, Boon, Bowles, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Chiles, Cline, Clyner, Cogswell, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dole, Dumont, Eldridge, Field, Flint, Glass, Gregory, Hanna, Helmer, Hurst, Johnson of Marion, Jones, Judah, Kenton, Kilgore, Lane, Lee, Lewis, Major, Marshall, Mason, McClure, McCormick, McNary, Milroy, Monroe, Morgan, Nelson, Owen, Parker, Peaslee, Perine Powell, Puett, Rose, Spann, Sands, Smydth, Stewart, Thompson, Townsend, Truelock, Vance, Willey, Wilson of H., Wyman, and Mr. Speaker—71.

*Those who voted in the negative were*

Messrs. Blair, Brenton, Cooper, Earl, Egbert, Graham, Healey, Hendricks, Hubbard, Hunt, Jackson, Johnston of Monroe, Matson, Morgan, Reily, Terrell, Williams, Wilson of M., and Wines—19.

So said bill passed.

On motion of Mr. Judah, bill

No. 175, to regulate the practice in the circuit courts;

Was taken from the table and referred to a select committee of Messrs. Judah, Marshall, and Matson.

No. 183, to locate a State road from St. Joseph to Lafayette;

Was referred to a select committee of Messrs. Kenton, Egbert, and Perine.

No. 59, (Senate,) to incorporate the town of Newcastle in Henry county;

No. 358, (House,) to attach Newton county to White county, and for other purposes;

No. 355, joint resolution on the subject of the Erie and Michigan canal;

No. 350, to amend an act incorporating Michigan city;

No. 335, to incorporate the Indiana Life Insurance and Trust Company;

No. 150, to incorporate the Indiana Mechanic Institute;

Were each read a third time and passed.

No. 28, (Senate) to increase the per diem allowances of witnesses,

Was read a third time, and the question being Shall the bill pass?

Which was decided in the negative.

No. 304, to incorporate the town of Rockville in Parke county;  
Was on motion of Mr. Puett, laid on the table.

No. 42, to abolish imprisonment for debt;  
Was read, when Mr. Hubbard moved to lay it on the table.  
And the ayes and noes being requested thereon.

*Those who voted in the affirmative were*

Messrs. Arnold, Blair, Boon, Bright, Brown Carr of L., Chapman, Chiles Clymer, Cogswell, Cooper, Conaway, Cotton of P., Devin, Dumont, Earl, Field, Gregory, Hanna, Healey, Helmer, Hendricks, Hubbard, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Kilgore, Lee, Lewis, Marshall, Morrow, Noel, Puett, Riley, Rose, Sands, Stewart, Terrell, Willey—42.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Allison, Anderson, Baker, Brenton, Bryant, Bryce, Carr of J., Cline, Cotton of S., Cutter, Dole, Egbert, Eldridge, Flint, Graham, Hunt, Jones, Judah, Kenton, Lane, Major, Matson, McClure McCormick, McNary, Milroy, Monroe, Morgan, Nelson, Owen, Parker, Peaslee, Perine, Powell, Smydth, Spann, Thompson, Townsend, Truelock, Vance, Williams, Wilson of H., Wilson of M., Wines, Wyman and Mr. Speaker—48.

So said bill was not laid on the table.

The question then recurred on the passage of said bill, and  
The ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Anderson, Bryant, Bryce, Carr of J., Champer, Chiles, Cline, Clymer, Cotton of S., Cutter, Egbert, Eldridge, Graham, Glass, Hunt, Judah, Kenton, Lane, Major, McClure, McCormick, McNary, Milroy, Morgan, Nelson, Owen, Parker, Peaslee, Perine, Powell, Smydth, Spann, Stewart, Thompson, Townsend, Truelock, Vance, Williams, Wilson of H., Wines and Mr. Speaker—45.

*Those who voted in the negative were*

Messrs. Arnold, Baker, Blair, Boon, Bowles, Brenton, Bright, Brown, Carr of L., Chapman, Cogswell, Cooper, Conaway, Cotton of P., Devin, Dole, Dumont, Earl, Field, Gregory, Hanna, Healey, Helmer, Hendricks, Herriman, Hubbard, Hurst, Jackson, Johnson of Monroe, Johnson of Marion, Jones, Kilgore, Lee, Lewis, Mar-

shall, Matson, Morrow, Noel, Puett, Riley, Rose, Sands, Terrell, Willey, Wilson of M., and Mr. Speaker—48.

So said bill did not pass.

On motion, House adjourned until 9 o'clock Monday morning.

## MONDAY, FEBRUARY 4, 1839.

House met pursuant to adjournment.

The Speaker laid before the House communications from the commissioners of the Michigan road;

Referred to a select committee of Messrs. Powell, Blair, Eldridge, Hanna and McClure.

From the President of the State Bank in answer to a resolution of the House;

Read and laid on the table.

From the Board of Internal Improvement;

Read, laid on the table, and two hundred copies ordered to be printed.

Mr. Kilgore presented the petition of sundry citizens of Delaware and Henry counties on the subject of a reservoir in Henry county;

Which was referred to a select committee of Messrs. Kilgore, Hunt, Wines and Cooper.

Mr. Eggleston, the petition of sundry citizens of Dearborn county on the subject of a road;

Referred to Messrs. Eggleston, Dumont, Conaway and Arnold.

Mr. Earl presented the petition of sundry citizens of Tippecanoe county, praying for the town of Newmarket to be vacated;

Referred to a select committee of Messrs. Earl, Kenton and Bryant.

Mr. Wyman presented the petition of sundry citizens of Madison county, praying for the right of trial by jury in all cases;

Referred to the Judiciary committee.

Mr. Eggleston presented the petition of sundry citizens, a number of whom were ladies of Dearborn county praying for a change in the law granting license to grocers;

Referred to the Judiciary committee.

Mr. Wyman presented the petition of Daniel Girding and others, praying that the dust of their neighbors and relatives may not be disturbed, by running the Central canal through a certain burying ground in said petition specified;

Referred to a select committee of Messrs. Wyman, Wines and Cogswell.

Mr. Dumont presented a petition signed by Henry Walker, Daniel

S. Major, Walter Kerr, William Dils, and a hundred and seventy-five other citizens of Dearborn, praying for the passage of a law exempting all persons of color from the payment of a tax for school purposes; Which, on his motion, was referred to the committee on Education.

Mr. Stewart (on leave) introduced bill

No. 376, additional to the acts concerning clerks;

Which was read twice, and on motion of Mr. Champer laid on the table.

Mr. Champer from a select committee reported

No. 377, to incorporate the Spencer and Terre Haute railroad company;

Read twice and referred to the committee on corporations.

Mr. Owen, (on leave) introduced bill

No. 375, for the promotion of common school education;

Which was read twice, when Mr. Kilgore moved to indefinitely postpone it.

And the ayes and noes being requested thereon.

*Those who voted in the affirmative were*

Messrs. Alley, Blair, Brenton, Bright, Bryce, Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Earl, Egbert, Gregory, Hanna, Healey, Helmer, Herriman, Hubbard, Hurst, Jackson, Johnson of Monroe, Judah, Kilgore, Lane, Lee, Marshall, Mason, McClure, Nelson, Parker, Peaslee, Perine, Powell, Puett, Reily, Smydth, Spann, Stewart, Terrell, Thompson, Willey, Williams, Wilson of M., Wines and Mr. Speaker—47.

*Those who voted in the negative were*

Messrs. Albertson, Anderson, Arnold, Baker, Boon, Bowles, Brown, Bryant, Carr of J., Carr of L., Chapman, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dole, Eldridge, Eggleston, Field, Flint, Glass, Graham, Hendricks, Hunt, Jones, Kenton, Kinney, Lewis, Major, Matson, McCormick, Milroy, Monroe, Morgan, Morrow, Noel, Owen, Proffitt, Rose, Sands, Townsend, Truelock, Vance, and Wilson of H.,—47.

So said bill was not indefinitely postponed.

Mr. Peaslee, moved to lay said bill on the table.

*Those who voted in the affirmative were*

Messrs. Alley, Blair, Bowles, Brenton, Bright, Bryce, Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Earl, Egbert, Gregory, Hanna, Healey, Helmer, Herriman, Hubbard, Hurst, Jackson, Judah, Kilgore, Kinney, Lane, Lee, Marshall, Mason, McClure, Nelson, Parker, Peaslee, Perine, Powell, Puett, Reily Spann, Stewart, Ter-

rell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, Wyman and Mr. Speaker—48.

*Those who voted in the negative were*

Messrs. Albertson, Anderson, Arnold, Baker, Boon, Brown, Bryant Carr of J., Carr of L., Chapman, Cotton of P., Cotton of S., Cutter, Devin, Dole, Dumont, Eggleston, Eldridge, Field, Flint, Glass, Graham, Hendricks, Hunt, Jones, Kenton, Lewis, Major, Matson, McCormick, Milroy, Monroe, Morgan, Morrow, Noel, Owen, Proffit, Rose, Sands, Smydth, Townsend, Truelock and Wilson of H.—44.

So said bill was laid on the table.

The House now went into the orders of the day, and took up bills on their second reading;

No. 32, (of the Senate) to amend an act relative to county boundaries;

No. 108, to authorize the location of a State road from Allisonville via Johnson's mills to Franklin;

No. 70, to incorporate the Indiana Medical Institute;

No. 91, to legalize the proceedings of the commissioners of Whitley county;

No. 52, declaring certain names misprints;

No. 35, to extend the jurisdiction of justices of the peace to fifty dollars in trespass;

No. 39, joint resolution for the benefit of John K. Welch, late collector of Clark county;

No. 103, for the protection of the Madison and Indianapolis railroad, and to provide for the collection tolls thereon;

Were each read and passed to a third reading on to-morrow.

No. 227, (of the House) to incorporate the Vevay Steam Mill and Manufacturing Company;

No. 232, to authorize the sale of the Union county seminary;

No. 334, to repeal an act appropriating part of the 3 per cent. fund of Jasper county;

No. 243, to amend an act locating a state road in Washington county;

No. 244, to change the name of Ceylon to Andersonville;

No. 246, to legalize the proceedings of the board of commissioners of Jasper county;

No. 253, to locate a state road from the Ohio state line to Newport in Wayne county;

No. 259, to amend the act to incorporate the Lafayette and Danville Railroad company;

No. 261, to incorporate the New Harmony Working Man's Institute for mutual instruction;

No. 263, to incorporate the Laurel trading and manufacturing company;

No. 266, for the relief of Benoni P. Downes,

Were each read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 260, to amend an act relative to county boundaries,

Was referred to a select committee of Messrs. Wines, Perine, and Wilson of M.

No. 230, declaring a certain county road in Delaware county a state road;

No. 270, to establish certain state roads in Posey county;

No. 120, to locate a state road from Logansport to Peru;

Were each referred to the committee on roads.

No. 322, to authorize the election of a justice of the peace in Fountain county;

No. 254, to legalize the acts of Avery McGee, recorder of Brown county;

No. 271, to legalize the proceedings of the board of commissioners of Crawford county;

Were each read a second and third times and passed.

*Ordered*, That the Senate be informed thereof.

Mr. Lewis moved to reconsider the vote on bill No. 42, to abolish imprisonment for debt;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Baker, Brenton, Bryce, Carr of J., Cotton of S., Cutter, Dole, Egbert, Eldridge, Glass, Graham, Hunt, Judah, Kenton, Kinney, Lewis, Major, McClure, McCormick, Milroy, Monroe, Morgan, Nelson, Owen, Parker, Peaslee, Perine, Powell, Proffitt, Smydth, Spann, Thompson, Townsend, Truelock, Vance, Williams, Wilson of H., Wines, and Mr. Speaker—42.

*Those who voted in the negative were*

Messrs. Arnold, Blair, Boon, Bowles, Bright, Brown, Carr of L., Chapman, Chiles, Cline, Clymer, Cooper, Conaway, Cotton of P., Devin, Dumont, Earl, Egbert, Eggleston, Field, Flint, Gregory, Hanna, Healey, Helmer, Hendricks, Herriman, Hubbard, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Kilgore, Lane, Lee, Marshall, Mason, Matson, Morrow, Noel, Puett, Reily, Rose, Sands, Stewart, Terrell, Willey, Wilson of M., and Wyman—49.

So said vote was not reconsidered.

On motion of Mr. Thompson,

Bills No. 161 and 162, relating to agricultural societies,

Were taken from the table and referred to the select committee on that subject.

No. 233, to amend an act regulating the mode of taking up stray property,

Was read a second time, when,

Mr. Wyman proposed to amend as follows:

That each justice of the peace shall hereafter be allowed six and a fourth cents for every mile he may have to travel in addition to the fees already allowed, in going to deposit with the clerk of the circuit court in his county a copy of the description and appraisement of any article taken up and appraised before him.

Which did not prevail.

Said bill was then ordered to be engrossed for a third reading.

No. 336, to incorporate the Tiptecanoe and Monticello bridge company,

Was referred to the committee on corporations.

No. 249, to amend an act relating to roads and highways, was,

On motion of Mr. Chiles, indefinitely postponed.

No. 252, to aid the Winchester turnpike company, was,

On motion of Mr. Proffitt, laid on the table.

No. 275, to authorize the sale of a lot in Indianapolis, was,

On motion of Mr. Bryce, indefinitely postponed.

No. 258, to amend the law relative to the granting of tavern license, was,

On motion of Mr. Herriman, laid on the table.

No. 242, to locate a state road in Dearborn county, was,

On motion of Mr. Dumont, amended as follows:

SEC. . All persons through whose land the said road may be located, shall have the right to file his remonstrance before the board of county commissioners of Dearborn county, for the purpose of having damages assessed, which damages the said board of county commissioners shall cause to be assessed and paid in the same way and manner as is provided for in an act entitled An act relating to public roads and highways, approved Feb. 17, 1838;

When said bill was ordered to be engrossed for a third reading on to-morrow.

No. 125, of the Senate, to amend an act regulating Probate courts, Was read and passed to a third reading on to-morrow.

No. 226, to provide for the survey of a canal from the summit level of the Erie and Michigan canal, to the Illinois State line,

Was read, when,

When Mr. Perine moved the following amendment:

The said Board shall cause a survey of the Kankakee river, with a view to ascertain whether it be navigable within this State, and how far. Also to ascertain what quantity of land may be reclaimed by removing the obstructions in said river, at or near the State line,

*Provided*, That such surveys can be made without the employment of a corps of Engineers in addition to the Engineers appointed to superintend the construction of the Erie and Michigan canal.

Mr. Herriman proposed the following amendment, to Mr. Perine's amendment:

Provided the Board of Internal Improvement see proper to authorize such survey;

When, on motion of Mr. Boon, said bill and pending amendments were laid on the table.

No. 113, to provide for the election of county Treasurer, was referred to a select committee of Messrs. Anderson, Hubbard, and Mason.

Mr. Hendricks, on leave, introduced bill

No. 378, to amend an act dividing the State into Judicial Circuits. Read and passed to a second reading on to-morrow.

Mr. Kilgore, on leave, bill

No. 379, to change the time of holding Probate Court in Delaware county.

Read twice, and ordered to be engrossed for a third reading on to-morrow.

On motion, the House adjourned.

*Two o'clock, P. M.*

House met.

On motion, Mr. Healey was added to the joint committee on enrolled bills, and Mr. Kinney to the committee on the Canal Fund.

Mr. Bryce moved to take from the table bill

No. 258, to amend the law granting tavern license.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Baker, Boon, Bowles, Bryant, Bryce, Carr of J., Chapman, Chiles, Cooper, Cutter, Egbert, Field, Flint, Glass, Healey, Herri-man, Hunt, Hurst, Johnson of Monroe, Major, Matson, McClure, McCormick, Monroe, Nelson, Perine, Smydth, Spann, Thompson, Townsend, Truelock, Vance, Wilson of H., and Mr. Speaker—35.

*And those who voted in the negative were*

Messrs. Anderson Arnold, Blair, Brown, Carr of L., Cline, Clymer, Cogswell, Conaway, Cotton of P., Cotton of S., Devin, Dumont, Earl, Eggleston, Graham, Gregory, Helmer, Hendricks, Hubbard, Johnson of M., Jones, Judah, Kenton, Kilgore, Lee, Lewis, Morgan, Morrow, Noel, Owen, Peaslee, Powell, Reynolds, Riley, Rose, Sands, Stewart, Terrell, Willey, Williams, Wilson of M., Wines, and Wyman—45.

So said bill was not taken from the table.

Mr. Morgan reports:

**MR. SPEAKER—**

The joint committee on enrolled bills report that they have this day compared the following engrossed bills with the enrolled bills, and find the same correctly enrolled, viz:

No. 19, of the Senate, An act to vacate and sell the public square in the town of Edinburgh, county of Johnson.

No. 20, of the Senate, An act to locate a State road from Angola to the State line, and from the State line to the county seat of De Kalb county.

No. 26, of the Senate, An act for the benefit of John Robinson, approved February 2d, 1839.

MR. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills and joint resolutions of the House with the enrolled bills and joint resolutions, and find the same correctly enrolled, viz:

No. 58, An act amendatory to an act entitled An act authorizing a change of venue in certain cases therein named, approved January 20th, 1838.

No. 320, An act to amend an act to incorporate the town of Ve-vay, approved January 30th, 1836.

No. 328, a memorial and joint resolution on the subject of a mail stage route.

No. 341, a joint resolution of the General Assembly of the State of Indiana.

No. 351, An act to legalize certain acts of the trustees of the town of Bloomington.

No. 255, An act to repeal a certain act in Dearborn county therein named, approved February 14th, 1839.

The House now went into the orders of the day.

Bills on their second reading.

No. 102, Senate, to locate a State road from Burlington to the Michigan road, was,

On motion of Mr. Milroy, laid on the table.

No. 47, relative to absconding debtors, was,

On motion of Mr. Cutter, laid on the table.

No. 124, joint resolution relative to the improvement of the Great St. Joseph river, was read a second time, and passed to a third reading on to-morrow.

No. 274, House, to legalize the acts of Jane Owen, Executrix of Samuel Owen, was ordered to be engrossed for a third reading.

No. 275, joint resolution on the subject of the Lawrenceburgh and Indianapolis railroad company,

Was read a second time, when the question was, Shall it be engrossed?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Boon, Bowles, Brenton, Brown, Bryant, Bryce, Carr of J., Carr of L., Chiles, Clymer, Cooper, Cutter, Devin, Earl, Field, Flint, Graham, Hanna, Healey, Herriman, Hub-

bard, Hunt, Jackson, Johnson of Marion, Johnston of Monroe, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Major, Mason, Matson, McCormick, McNary, Milroy, Morgan, Morrow, Nelson, Owen, Perine, Proffitt, Puett, Reynolds, Reily, Smydth, Spann, Stewart, Térrell, Thompson, Townsend, Truelock, Vance, Willey, Williams, Wilson of H., Wilson of M., and Wyman. 67

*Those who voted in the negative were*

Messrs. Anderson, Baker, Blair, Chapman, Cline, Conaway, Cotton of P., Cotton of S., Dumont, Egbert, Eggleston, Glass, Gregory, Hendricks, Hurst, McClure, Monroe, Noel, Peaslee, Powell, Rose, Sanas, and Mr. Speaker. 23

So said joint resolution was ordered to be engrossed for a third reading on to-morrow.

No. 297, for the relief of William Port;

No. 283, to organize the county of Pulaski and to locate the seat of justice thereof;

No. 289, supplemental to the act for trustees to receive deeds for meeting houses, &c.;

No. 298, for the relief of John Miller and Lavina his wife;

All of which were read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 290, to locate a state road in Monroe county,

Was referred to the committee on corporations.

No. 105 of the Senate, to incorporate the Hancock Guards, and for other purposes,

Was referred to the committee on corporations.

No. 301, to locate a state road in Crawford county;

Referred to the committee on roads.

No. 306, a memorial and joint resolution on the subject of lands in Jackson, Scott, and Clark counties;

Read a second and third times and passed.

No. 291, to provide for the improvement of the Michigan road north of Indianapolis;

Mr. Lee moved to amend said bill by inserting the sum of fifty thousand dollars between Indianapolis and Napoleon;

Mr. Arnold moved to refer said bill to a select committee, with the following instructions:

Refer said bill and amendment to a select committee, with instructions so to amend said bill as to appropriate \$70,000 on said Michigan road between Indianapolis and Napoleon, and \$100,000 on the Napoleon and Lawrenceburg state road, which appropriation on said last road, shall be taken from the funds now in the hands of the Lawrenceburgh and Indianapolis rail road company so soon as said company shall surrender the charter; and also \$50,000 to be taken from the excess of Wabash and Erie canal funds, provided there should be an excess of that amount, to be applied to the construction of a rail

road to connect the Northern Cross railroad of Illinois with the Wabash and Erie canal; then,

On motion of Mr. Proffitt,

Said bill with pending amendments was laid on the table.

No. 278, to dissolve the bands of matrimony between Jacob Skidmore and wife, was,

On motion of Mr. Bowles, indefinitely postponed.

Mr. Eggleston, on leave, from a select committee, reported bill No. 389, to locate a state road in Dearborn county;

Read twice and referred to the committee on roads.

On motion, the House adjourned.

**TUESDAY, FEBRUARY 5, 1839.**

House met pursuant to adjournment.

The following message from the Senate by Mr. Test, their Secretary:

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills and joint resolutions of the House as follows, viz:

No. 255—An act to repeal a certain act in Dearborn county therein named;

No. 320—An act to amend an act to incorporate the town of Vevey, approved Jan. 30, 1836;

No. 321—An act relative to the Clay county seminary;

No. 351—An act to legalize certain acts of the trustees of the town of Bloomington;

No. 328—A memorial and joint resolution on the subject of a mail stage route; and,

No. 341—A joint resolution of the General Assembly of the State of Indiana;

Each without amendment.

Also, the Senate has passed an engrossed bill of the House,

No. 115, entitled An act to change the names of certain persons, and for other purposes, with an amendment,

In which the concurrence of the House is respectfully requested.

Also the Senate has passed engrossed bills thereof as follows, viz:

No. 174—An act supplemental to an act to amend an act entitled An act dividing the state into judicial circuits and fixing the times of holding courts therein, approved Jan. 28, 1838; and,

No. 191—An act authorizing the election of an additional justice of the peace in Hamilton county;

In which also the concurrence of the House is respectfully requested.

The House concurred in the amendment of the Senate to bill No. 115, in said message mentioned.

No. 174, was read twice and referred to a select committee of Messrs. Peaslee, Brenton, Nelson, Cogswell, and Hanna.

No. 191, read and passed to a second reading.

Mr. Milroy introduced, on leave, bill

No. 381, to provide for an increase of stock in the State Bank, and to pay the interest on the internal improvement loan;

Which was read twice, laid on the table, and 200 copies ordered to be printed.

The following message was received from the Senate by Mr. Test, their Secretary;

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House,

No. 139, entitled An act to modify the plan of carrying on the public works, and to secure their ultimate completion, and amendatory of an act entitled An act to provide for a general system of internal improvements, approved January 27, 1836;

With sundry amendments, in which the concurrence of the House is respectfully requested.

Mr. Champer moved to concur in the first amendment made by the Senate to the bill in said message mentioned, with an amendment.

Mr. McClure moved the previous question, which was seconded by the House.

The question then was, Shall the main question be now put?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Brenton, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Clymer, Cogswell, Conaway, Cotton of P., Cotton of S., Dumont, Earl, Egbert, Field, Glass, Gregory, Hanna, Healey, Hendricks, Heriman, Hubbard, Hunt, Hurst, Johnson of Marion, Jones, Judah, Kenton, Lewis, Major, McClure, McCormick McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Peaslee, Perine, Powell, Puett, Rose, Sands, Spann, Stewart, Truelock, Wilson of R., Wilson of M.—58.

*Those who voted in the negative were*

Messrs. Allison, Blair, Bowles, Champer, Chiles, Cline, Cooper, Cut-

ter, Devin, Dole, Eggleston, Flint, Graham, Helmer, Jackson, Johnson of Monroe, Kilgore, Kinney, Lane, Lee, Marshall, Mason, Matson, Owen, Proffitt, Reynolds, Reily, Smydth, Terrell, Thompson, Townsend, Vance, Willey, Williams, Wines, Wyman, and Mr. Speaker—37.

So the main question was put,

Which was, Will the House concur in the first amendment of the Senate?

The ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Blair, Bright, Bryant, Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Cutter, Dole, Flint, Healey, Helmer, Herri- man, Hubbard, Jackson, Johnson of Monroe, Kilgore, Kinney, Lane, Lee, Marshall, Mason, McCormick, Reynolds, Reily, Smydth, Stewart, Terrell, Thompson, Townsend, Vance, Willey, Williams, Wilson of M., Wines, Wyman and Mr. Speaker—41.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Brown, Bryce, Carr of J., Carr of L., Chapman, Conaway, Cotton of P., Cotton of S., Devin, Dumont, Earl, Egbert, Eggleston, Eldridge, Field, Glass, Graham, Gregory, Hanna, Hendricks, Hunt, Hurst, Johnson of Marion, Jones, Judab, Kenton, Lewis, Major, Matson, McClure, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Peaslee, Perine, Powell, Puett, Rose, Sands, Spann, Truelock and Wilson of H.—55.

So the House refused to concur in said amendment.

The House also refused to concur in the 2d, 5th, 6th, 7th, and 8th amendments;

And concurred in the 3d, 4th, and 9th and amendments of the Senate.

Mr. Kilgore (leave granted) made the following report, in which the House concurred.

MR. SPEAKER—

The select committee to which was referred the memorial of Enoch Nation, and four or five hundred other citizens of Delaware and Henry counties, on the subject of a reservoir to be created in the county of Delaware, have had the same under consideration and have directed me to report, that the request of the memorialists is entirely reasonable, your committee are satisfied, from the report of the Engineer on that subject, and the representations of the memorialists, that upwards of one thousand acres of land of a good quality, situate in a densely populated settlement will be entirely destroyed, and in all probability, much other land greatly injured; in which case your

committee would deem it entirely just and right that the State, should pay the owners the entire value of their property thus destroyed; as your committee are satisfied that said owners will be injured much by said reservoir, without realizing any of the benefits of the canal as they are removed several miles from the line of the canal proposed to be fed by means of said reservoir, and many of them will be entirely deprived of their whole landed property. It surely cannot be the policy of the State, in any instance, to deprive a portion of her citizens of their property and houses, without making an adequate compensation, which compensation cannot, in the case like the one submitted to the consideration of your committee, be made by the increased value of their property in consequence of the construction of the canal, as in the present case the entire estate of many will be completely deluged, without leaving any portion upon which the supposed increased value (which in many cases is only imaginary) can attach.—Your committee, would therefore, for the satisfaction of said memorialists, recommend the adoption of the following resolution:

*Resolved*, That in all cases where individuals are damaged by the State, in the prosecution of the system of internal improvement, adequate compensation should be made to such individuals; and in all cases where the whole property of any individual is destroyed, or rendered useless, the entire value of such property should be paid by the State.

The following message was received from the Senate by Mr. Arion, a member.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House,

No. 65, entitled An act providing for the further construction of the Madison and Lafayette rail road,

Without an amendment.

Mr. Healey reports:

The joint committee of enrolled bills report, that they did this day compare the enrolled with the engrossed bills and joint resolutions of the House, and find the same correctly enrolled; also that they did this day present to his Excellency the Governor for his approval and signature of the same, to wit:

Nor 313, An act to incorporate the Jeffersonville association;

No. 321, An act relative to the Clay county seminary;

No. 33, An act to amend an act entitled An act to incorporate the Crawfordsville and Williamsport turnpike company;

No. 94, A memorial and joint resolution of the State of Indiana;

No. 170, An act to provide for the election of a justice of the peace and constable in the town of Mill Grove in Owen county;

No. 132—An act to incorporate the Marion Blues;

No. 77—An act authorizing the Probate court of Monroe county to sell certain real estate and for other purposes;

No. 27—An act to incorporate the town of Mount Vernon.

Mr. Proffit, from the Judiciary committee, (on leave) reported bill No. 382, relative to the town of Jeffersonville,

Which was read and passed to a second reading.

Mr. Thompson, from the committee on claims, reported back to the House bill

No. 351, for the relief of J. H. McMacken and Elias Murry,

Which was ordered to be engrossed for a third reading.

Mr. Terrell, from a select committee, reported

No. 353, to incorporate the Bartholomew county seminary,

Which was read twice and referred to the committee on corporations;

Mr. Major, (on leave) introduced bill

No. 384, to amend the act incorporating the Warsaw Manufacturing Company,

Which was read twice, and ordered to be engrossed for a third reading.

Mr. Arnold, (on leave) introduced bill

No. 385, to amend an act incorporating the Lawrenceburgh Bridge Company,

Which was read twice, and referred to a select committee of Messrs. Arnold, Eggleston, Conaway and Dumont.

Mr. Cooper, (on leave) from the committee on corporations,

Reported back to the House, with an amendment, bill

No. 311, to incorporate the Dalton Steam Mill Manufacturing and Trading Company;

When the House concurred in the report of the committee, and said bill was read a third time and passed.

*Ordered*, That the Senate be informed thereof.

Mr. Cline, (on leave) introduced joint resolution

No. 386, relative to a harbor at city west;

Read and passed to a second reading.

House now went into the orders of the day, and took up bill

No. 264, to define and establish the county boundaries of Clark, and for the formation of a new county.

Mr. Monroe moved to indefinitely postpone said bill.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Baker, Boon, Bowles, Brenton, Brown, Bryce, Carr of J., Carr of L., Chapman, Cline, Clymer, Cooper, Conaway, Devin, Dumont, Earl, Eggleston, Flint, Glass, Graham, Healey, Helmer, Herriman, Hunt, Jackson, Johnson of Monroe, Lane, Lee, Lewis, Major, McClure, McNary, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Parker, Perine, Powell, Puett, Reily, Sands, Stewart, Townsend, Truelock, Willey, and Williams—53.

*Those who voted in the negative were*

Messrs. Arnold, Blair, Bright, Cotton of S., Egbert, Field, Gregory, Hendricks, Hubbard, Hurst, Johnson of Marion, Kilgore, Marshall, Mason, Rose, Spann, Terrell and Vance—18.

So said bill was indefinitely postponed.

And on motion, the House adjourned.

*Two o'clock, P. M.*

House met.

Went into the orders of the day and took up bills on their second reading,

No. 308, to regulate the jurisdiction of justices of the peace in Putnam county;

No. 312, to legalize certain proceedings in Martin county;

No. 345, Memorial and joint resolution on the subject of Lake Michigan;

No. 343, to locate a State road from Rockville to Covington;

No. 334, to create the office of private secretary to the Governor;

No. 333, relative to a justice of the peace in Clay county;

No. 332, for the relief of Jonathan Legg;

No. 329, joint resolution on the subject of divorces;

No. 326, relative to the boundary line between the counties of Spencer and Warrick,

Were each read a second time and ordered to be engrossed for a third reading.

No. 309, to provide for the location of the Madison and Lafayette railroad from Vernon to Indianapolis;

Was, on motion of Mr. Hubbard, laid on the table;

No. 316, for the relief of Aaron Stephenson, Sheriff of Warren county,

Was, on motion of Mr. Bryce, laid on the table.

No. 314, to amend an act regulating probate courts and defining the duties of administrators and guardians,

Was, on motion of Mr. Gregory, laid on the table;

No. 338, to provide for the location of the seat of justice of Lake county,

Was on motion of Mr. McClure, referred to a select committee of Messrs. McClure, Cline and Egbert;

No. 332, for the relief of S. C. Sample, President Judge of the 9th Judicial circuit of the State,

Was referred to a select committee of Messrs. McClure, Egbert and Cline;

No. 307, joint resolution on the subject of the public works,

Was read a second time, when Mr. Champer moved to indefinitely postpone it.

And the ayes and noes being requested thereon;

*Those who voted in the affirmative were*

Messrs. Anderson, Brenton, Bright, Bryant, Bryce, Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Cutter, Devin, Dole, Earl, Egbert, Flint, Graham, Hanna, Healey, Helmer, Herriman, Hubbard, Hunt, Jackson, Johnson of Monroe, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Major, Marshall, Mason, Matson, McClure, McCormick, Morgan, Morrow, Nelson, Noel, Proffitt, Puett, Reily, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Willey, Williams, Wilson of H., Wilson of M., Wines, and Wyman—57.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Arnold, Baker, Boon, Bowles, Brown, Carr of J., Carr of L., Chapman, Conaway, Cotton of P., Cotton of S., Dumont, Eggleston, Field, Glass, Gregory, Hendricks, Hurst, Johnson of Marion, Jones, McNary, Monroe, Owen, Perine, Powell, Reynolds, Rose, Sands, Townsend, Truelock,—32.

So said bill was indefinitely postponed.

No. 331, to define the connection between the Whitewater and Central canals, was,

On motion of Mr. Lane, laid on the table.

No. 74, to provide for a survey and mineral resources of the state, was,

On motion of Mr. Cooper, laid on the table.

No. 330, to provide for the survey of a side cut canal opposite the town of Williamsport in Warren county, was,

On motion of Mr. Nelson, laid on the table.

No. 366, joint resolution on the subject of public officers and elections,

Was read, when,

Mr. Proffitt moved to strike it out from the enacting clause.

Mr. Hanna moved to lay said resolution and proposed amendment on the table;

The ayes and noes were demanded thereon:

*Those who voted in the affirmative were*

Messrs. Anderson, Boon, Brown, Carr of J., Champer, Cline, Cogswell, Cotton of P., Cutter, Devin, Earl, Flint, Graham, Hanna, Healey, Helmer, Hendricks, Jackson, Johnson of Marion, Jones, Lee, Major, Marshall, Matson, McClure, McNary, Milroy, Monroe, Owen, Proffitt, Puett, Reynolds, Reily, Rose, Sands, Spann, Stewart, Townsend, Truelock, Williams, and Wines—42.

*Those who voted in the negative were*

Messrs. Alley, Arnold, Baker, Blair, Bowles, Brenton, Bright, Bryant, Bryce, Carr of L., Chapman, Cooper, Cotton of S., Dumont, Egbert, Eggleston, Field, Glass, Gregory, Herriman, Hubbard, Hunt, Hurst, Johnson of Monroe, Judah, Kenton, Kilgore, Kinney, Lane, Lewis, Mason, Morgan, Morrow, Nelson, Noel, Peaslee, Perine, Powell, Smydth, Terrell, Thompson, Vance, Willey, Wilson of H., Wilson of M., and Wyman—44.

So said joint resolution was not laid on the table; when

On motion Mr. Herriman,

After debate had thereon, said joint resolution and pending amendments were laid on the table.

No. 317, to provide for the improvement of the Michigan road and for other purposes,

Was read, when,

Mr. Peaslee moved to refer it to a select committee.

Mr. Proffitt moved to lay it on the table.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Arnold, Baker, Bowles, Bright, Brown, Bryant, Bryce, Carr of L., Champer, Chiles, Clymer, Cooper, Devin, Earl, Flint, Graham, Healey, Helmer, Herriman, Johnson of Marion, Johnson of Monroe, Judah, Kenton, Lane, Lee, Marshall, Mason, McNary, Milroy, Owen, Proffitt, Reynolds, Reily, Smydth, Stewart, Terrell, Thompson, Townsend, Vance, and Williams—39.

*Those who voted in the negative were*

Messrs. Alley, Anderson, Blair, Boon, Brenton, Carr of J., Chapman, Cline, Cotton of P., Cotton of S., Dole, Dumont, Egbert, Field, Glass, Gregory, Hendricks, Hubbard, Hunt, Hurst, Jackson, Jones, Kilgore, Kinney, Lewis, Major, Matson, McClure, Monroe, Morgan, Nelson, Noel, Peaslee, Perine, Powell, Puett, Rose, Sands, Spann, Truelock, Willey, Wilson of H., and Wilson of M.—44.

So said bill was not laid on the table.

The question then recurred on the motion to refer said bill to a select committee;

Which was agreed to.

Ordered, That Messrs. Peaslee, Powell, Matson, Rose, Anderson, Hubbard, Hunt, and Morgan be such committee.

On motion, the House adjourned.

WEDNESDAY, FEBRUARY 6, 1839.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Acting Commissioner on the Wabash and Erie canal, on the subject of the steamboat lock near Delphi;

Which was read and referred to a select committee of Messrs. Perine, Eldridge, Kinney, Wilson of M., and Noel.

Also a report from the trustees of the Hanover College;

Which was read and referred to the committee on education.

Mr. Lee, on leave, from a select committee, reported No. 387, to allow Samuel Patterson to build a toll bridge;

Which was read three times and passed.

*Ordered*, That the Senate be informed thereof.

Mr. Wilson of M. introduced the petition of sundry citizens of Miami county, on the subject of a state road therein named;

Which was referred to the committee on roads.

Mr. Gregory presented the petition of sundry citizens of Mound township, Warren county, praying for the vacation of a road therein named;

Referred to a select committee of Messrs. Gregory, Blair, and Dole.

Mr. Brenton presented the petition of Enoch Davis and others, on the subject of a road therein named;

Also a remonstrance on the same subject;

Both of which were referred to the committee roads.

Mr. Kinney presented the remonstrance of C. T. Noble and others against the extension of the corporate limits of Terre Haute;

Referred to a select committee of Messrs. Kinney, Cutter, and Townsend.

Mr. Wilson of M. presented the petition of A. T. Welton and others, praying for the one fourth of town 30, north range 4 east to be added to Fulton county;

Referred to a select committee of Messrs. Wilson of M., Perine, and Wines.

Mr. Dumont presented the petition of O. Heustus F. Hansell and fifty other citizens of Dearborn county, praying for the passage of a law making counties liable for all damages done by mobs; which,

On motion of Mr. Cutter, was laid on the table.

Mr. Dumont presented the petition of John Clarke, Charles Elder, and fifty other citizens of Dearborn county, praying for the passage of a law securing the right of trial by jury in all cases where personal liberty comes in question;

Which, on his motion, was referred to the judiciary committee.

Mr. Smydth presented the petition of sundry citizens of Clay county, on the subject of a turnpike road;

Which was laid on the table.

Also from sundry citizens of the same county, praying that John Osborn may be appointed agent of the surplus revenue of said county; Which was laid on the table.

Mr. Cline presented the petition of the President of the Liverpool bridge company, praying an amendment of the charter of said company;

Referred to a select committee of Messrs. Cline, McClure, and Egbert.

Mr. Smydth presented the remonstrance of sundry citizens of Clay county, against a turnpike road from Spencer to Terre Haute;

Laid on the table.

Mr. Wilson of M. presented the petition of sundry citizens of Fulton county, praying for the location of a state road therein named;

Referred to the committee on roads.

Mr. Kinney presented the petition of Caleb White, praying that he may be excused from grinding grain in his mill for distillation;

Referred to Messrs. Kinney, Hubbard, and Chiles.

Mr. Hubbard reports:

MR. SPEAKER—

The committee of ways and means, to which was referred a bill of the Senate entitled An act to amend the several acts for the collection of the revenue; and to repeal an act to provide a fund to encourage common schools, approved February 2d, 1832; and an act in furtherance thereof, approved February 7th, 1835; have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

On motion of Mr. Kinney, said bill was laid on the table.

Mr. Graham, from the committee on the canal fund, reports;

MR. SPEAKER—

The joint committee on the canal fund, to whom was referred bill of the House

No. 219, to reduce the Board of Fund Commissioners, have had the same under consideration, and have directed me to report the same back with one amendment: to strike it out from the enacting clause and insert the following:

No. 219, to reduce the Board of Fund Commissioners.

Mr. Townsend moved to concur in the report with an amendment, which was to strike out the word "two" in said bill and insert "one."

A division of the question was called, when the question was put on striking out,

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Arnold, Baker, Boon, Bowles, Brown

Chapman, Conaway, Cotton of P., Cotton of S., Cutter, Dumont, Eggleston, Field, Glass, Gregory, Hendricks, Hurst, Johnson of Monroe, Jones, Lewis, Noel, Owen, Powell, Puett, Rose, Rush, Sands, Stewart, Townsend, Truelock, and Wilson of H.—33.

*Those who voted in the negative were*

Messrs. Allison, Anderson, Blair, Brenton, Bright, Bryant, Bryce, Carr of J., Carr of L., Chiles, Cline, Clymer, Cogswell, Cooper, Dole, Earl, Egbert, Flint, Graham, Healey, Helmer, Herriman, Hubbard, Hunt, Jackson, Judah, Kenton, Kilgore, Kinney, Lanc, Lee, Major, Marshall, Mason, Matson, McClure, Milroy, Morgan, Morrow, Nelson, Peaslee, Reynolds, Reily, Smydth, Spann, Terrell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, and Mr. Speaker—55.

So the House refused to concur in the report of the committee with the proposed amendment.

The House then concurred in the report of the committee, and said bill was ordered to be engrossed for a third reading.

On motion of Mr. Owen,

The House resolved to go into the orders of the day on each day, at two o'clock P. M. until disposed of.

Mr. Kilgore from the committee on corporations, reports bills

No. 180, to incorporate the Hagarstown Turnpike company, without amendment.

Said bill was ordered to be engrossed for a third reading.

No. 207, to amend An act incorporating the town of Paoli, in Orange county, without amendment.

Said bill was then read a second and third times and passed.

No. 236, to incorporate the Tippecanoe and Monticello Bridge company, with an amendment,

In which the House concurred.

Said bill was then ordered to be engrossed for a third reading.

Mr. Willey, from the same committee, reported,

No. 383, to incorporate the Bartholomew county Seminary;

Which was read a second and third times and passed.

Mr. Bright, from the same committee, reported bill

No. 340, to incorporate the city of New Albany, and to repeal all laws incorporating the town of New Albany, with an amendment, in which the House concurred.

Said bill was then read a second and third times and passed.

Mr. Cline, from a select committee, reported

No. 338, to provide for the location of the seat of justice of Lake county, without amendment;

When said bill was read a second and third times and passed.

Mr. Kilgore, from a like committee, reported back to the House, bill

No. 160, concerning crime and punishment, with an amendment,

In which the House concurred.

And said bill was ordered to be engrossed for a third reading.  
Mr. Bright, from a select committee, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of William Sheets, late Secretary of State, praying that the amount expended by him for clerk hire, while discharging the duties of that office might be refunded to him, have had the matter under consideration, and beg leave to submit the following report:

That at the session of 1836-7, a select committee to whom had been referred an examination of the office of Secretary of State, &c., reported that "they had found that said Secretary, during the four years he had kept said office, had paid out the sum of three hundred and sixty-one dollars, for hire of a clerk to keep the State library during the session of the legislature, when it was impossible for said secretary to attend to the duties of said library and the other duties of his office." See journals of the House of 1836, page 267. This report was referred to the committee on claims; but so far as the journals show, no action was had on it.

The duty of superintending the State library, was no part of the original duties assigned the Secretary of State. He was made *ex-officio* librarian by late enactments, without any additional compensation for the increased services required.

By the general acts of 1837, page 104, the sum of \$125 is allowed the present Secretary of State for services rendered in that year of like character with those for which Mr. Sheets now asks an allowance;

And by a joint resolution of 17th February, 1838, (local laws, page 442) the sum of \$150 per annum, is allowed the present Secretary of State for "purchasing books and performing all the services incident to the present duties of State librarian."

The committee can perceive no good reason why an allowance should not be made to the late secretary, of the sums necessarily expended by him in the discharge of the increased duties imposed upon him; and taking it for granted, that the select committee of 1836, ascertained the true amount, recommend the passage of the following bill,

No. 388, for the relief of William Sheets;

Which was read twice, when

Mr. Chiles moved to indefinitely postpone it.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Anderson, Arnold, Baker, Boon, Bowles, Brown, Chapman, Chiles, Cline, Cooper, Conaway, Cutter, Earl, Flint, Glass, Graham, Healey, Hendricks, Herriman, Kilgore, Lee, Lewis, McClure, McNary, Monroe, Noel, Puett, Reynolds, Reily, Rose, Sands, Stewart, Townsend, and Williams—35.

*Those who voted in the negative were*

Messrs. Allison, Blair, Brenton, Bright, Bryant, Carr of J., Carr of L., Champer, Clymer, Cogswell, Cotton of P., Cotton of S., Dumont, Egbert, Eggleston, Field, Gregory, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Jones, Judah, Kenton, Kinney, Marshall, Mason, Matson, Morgan, Morrow, Nelson, Owen, Peaslee, Powell, Proffitt, Rush, Smydth, Spann, Terrell, Thompson, Truelock, Vance; Willey, Wilson of M., Wines, and Mr. Speaker—47.

So said bill was not indefinitely postponed.

The question then recurred on the engrossment of said bill,  
And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messr. Blair, Brenton, Bright, Bryant, Bryce, Carr of J., Champer, Clymer, Cogswell, Cotton of P., Cotton of S., Devin, Dumont, Egbert, Eggleston, Field, Flint, Gregory, Helmer, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Jones, Judah, Kenton, Kinney, Marshall, Mason, Morgan, Morrow, Nelson, Owen, Peaslee, Powell, Proffitt, Rush, Spann, Terrell, Thompson, Truelock, Vance, Willey, Wilson, of M., and Mr. Speaker—47.

*Those who voted in the negative were*

Messrs. Albertson, Allison, Anderson, Arnold, Baker, Boon, Bowles, Brown, Carr of L., Chapman, Chiles, Cline, Cooper, Conaway, Cutter, Earl, Glass, Graham, Healey, Hendricks, Herriman, Kilgore, Lee, Lewis, Major, McClure, McNary, Monroe, Noel, Perine, Puett, Reynolds, Reily, Rose, Sands, Smydth, Stewart, Townsend, and Williams—39.

So said bill was engrossed.

The following message was received from the Senate by Mr. Arion, a member.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House, No. 220, An act for the relief of Joseph Hendricks;  
Without amendment.

Mr. Morgan reports:

MR. SPEAKER—

The joint committee on enrolled bills, report that they have this day compared the following engrossed bills of the House with the enrolled bills, and find the same correctly enrolled, viz:

No. 73, An act to change the mode of doing county business in Bartholomew county, and for other purposes;

No. 65, An act providing for the further construction of the Madison and Lafayette railroad.

The joint committee on enrolled bills have this day compared the following enrolled bills of the Senate with the engrossed bills, and find the same duly enrolled.

No. 37, An act to relocate a state road leading from Germantown, in the county of Marion, to where it intersects the Noblesville and Greenfield state road in the county of Hamilton;

No. 43, An act to authorize the election of a justice of the peace and a constable in the town of Philomath, in the county of Union;

No. 90, An act to change the name of the town of Clarkstown in the county of Boon;

No. 97, An act to legalize the incorporation of the town of Lebanon in the county of Boon.

No. 59, An act to incorporate the town of New Castle in the county of Henry;

No. 98, An act for the relief of Catherine Falkner;

No. 126, An act declaring Main Flatrock a public highway, and for other purposes;

Mr. Thompson introduced joint resolution

No. 387, relative to the completion of that part of the Wabash and Erie canal which runs through the State of Ohio;

Which was read three times and passed.

On motion the House adjourned.

*Two o'clock, P. M.*

The House met.

On motion of Mr. Thompson, bill

No. 74, to provide for a mineral survey, and report of the resources of the state,

Was taken from the table and placed in the orders of the day.

On motion of Mr. Kilgore, the committee of the whole was discharged from the further consideration of bill

No. 121, to provide for private banking;

And said bill was placed in the orders of the day.

The House now went into the orders of the day, and took up bills on their second reading.

No. 228, to provide for an increase of stock in the State Bank;

Mr. Marshall moved an amendment to said bill, which was agreed to.

On motion of Mr. Judah, said bill was further amended by striking out the fifth section.

Mr. Wilson of H., moved to refer said bill to a select committee with instructions as follows;

To provide that one half the amount authorized to be borrowed shall be appropriated to the creation of new branches, to be located hereafter: to wit, after the first loan proposed, four additional branches shall be located and established, and for the next successive three years one branch each year shall be established.

A division of the question was called for,

When the question recurred on referring said bill to a select committee,

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Blair, Bowles, Bright, Bryant, Chapman, Cotton of P., Devin, Field, Gregory, Healey, Hurst, Jones, Judah, McClure, McCormick, Monroe, Owen, Parker, Proffitt, Sands, Smydth, Truelock, Wilson of H., and Wyman—25.

*Those who voted in the negative were*

Messrs. Allison, Anderson, Arnold, Baker, Boon, Bowles, Brenton, Brown, Bryce, Carr of J., Carr of L., Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Cotton of S., Cutter, Dole, Dumont, Earl, Egbert, Eggleston, Flint, Glass, Graham, Helmer, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Major, Marshall, Mason, Matson, McNary, Milroy, Morgan, Morrow, Nelson, Noel, Peaslee, Perine, Powell, Reynolds, Reily, Rose, Rush, Spann, Stewart, Terrell, Thompson, Townsend, Vance, Williams, Wilson of M., Wines, and Mr. Speaker—66.

So said bill was not recommitted.

Mr. Bryce moved the previous question;

Which was seconded by the House.

The question then recurred, Shall the main question be now put?

The ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Anderson, Arnold, Boon, Brenton, Bright, Bryce, Carr of L., Champer, Clymer, Cogswell, Cooper, Dole, Dumont, Earl, Egbert, Eggleston, Flint, Glass, Hendricks, Herriman, Hubbard, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Judah, Kenton, Kinney, Lane, Lee, Marshall, Mason, Matson, McClure, McCormick, Milroy, Morgan, Morrow, Nelson, Noel, Perine, Puett, Reily, Rose, Rush, Smydth, Stewart, Terrell, Thompson, Townsend, Vance, Williams, Wilson of M., Wines, Wyman and Mr. Speaker—56.

*Those who voted in the negative were*

Messrs. Albertson, Allison, Baker, Blair, Bowles, Bryant, Carr of J., Chapman, Chiles, Cline, Cotton of P., Cotton of S., Cutter, Devin, Field, Graham, Gregory, Healey, Helmer, Hunt, Jones, Kilgore, Lewis, Major, McNary, Monroe, Owen, Parker, Peaslee, Powell, Proffitt, Reynolds, Sands, Spann, Truelock, Willey and Wilson of H.—37.

So the House agreed to put the main question now;

Which was, Shall the bill be ordered to be engrossed?

And the ayes and noes being requested thereon.

*Those who voted in the affirmative were*

Messrs. Allison, Anderson, Arnold, Brenton, Bright, Bryce, Carr of L., Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Cotton of P., Cutter, Dole, Dumont, Earl, Egbert, Eggleston, Flint, Glass, Graham, Gregory, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Major, Marshall, Mason, Matson, McClure, McCormick, Milroy, Morgan, Morrow, Nelson, Noel, Owen, Parker, Perine, Powell, Proffitt, Puett, Reynolds, Reily, Rose, Rush, Smydth, Spann, Stewart, Terrell, Thompson, Townsend, Vance, Willey, Williams, Wilson of M., Wines, Wyman and Mr. Speaker—77.

*Those who voted in the negative were*

Messrs. Albertson, Baker, Blair, Boon, Bowles, Brown, Carr of J., Chapman, Cotton of S., Devin, Field, McNary, Monroe, Peaslee, Sands, Truelock and Wilson of H.—17.

So said bill was ordered to be engrossed;

When Mr. Lane moved to suspend the rule, and read the bill a third time now.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Arnold, Boon, Bowles, Brenton, Bright, Bryce, Carr of L., Champer, Chapman, Chiles, Clymer, Cogswell, Cooper, Cotton of S., Dole, Dumont, Egbert, Eggleston, Glass, Graham, Gregory, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnston of Marion, Johnston of Monroe, Judah, Kenton, Kinney, Lane, Lee, Lewis, Major, Marshall, Mason, Matson, McClure, McCormick, Milroy, Morgan, Morrow, Nelson, Noel, Powell, Puett, Reily, Rose, Rush, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Williams, Wilson of M., Wines, Wyman and Mr. Speaker—61.

*Those who voted in the negative were*

Messrs. Albertson, Allison, Anderson, Baker, Blair, Brown, Bryant, Carr of J., Cline, Cotton of P., Cutter, Devin, Earl, Field, Flint, Healey, Helmer, Hurst, Jones, Kilgore, McNary, Monroe, Owen, Parker, Peaslee, Perine, Proffit, Reynolds, Sands, Townsend, True-lock Willey and Wilson of H.—33.

So the rule of the House was not suspended, it requiring two thirds of the members voting.

No. 47, to establish a deaf and dumb Asylum,

Was read a second time;

When Mr. Bowles moved to amend it by striking out the 11th section;

When on motion of Mr. Wilson of M., said bill and proposed amendment was laid on the table.

The following message was received from the Senate, by Mr. Smith of Wayne, a member.

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives, that the Senate has receded from their first amendment to the bill of the House,

No. 139, entitled an act to modify the plan of carrying on the public works, and to secure their ultimate completion, and amendatory of an act entitled An act to provide for a general system of internal improvement, approved January 27th, 1836.

The Senate insist on their 2nd, 5th, 7th, and 8th amendments.

On motion of Mr. Judah,

The House receded generally from its disagreement to the amendments of the Senate.

No. 351, to amend an act establishing a university in the State of Indiana,

Was read a second time, and ordered to be engrossed for a third reading.

On motion of Mr. Gregory,

The vote on the indefinite postponement of bill

No. 314, to amend an act regulating probate courts, and defining the duties of guardians,

Was reconsidered, when he withdrew the motion to indefinitely postpone;

And said bill was referred to a select committee of Messrs. Bryce, Brenton, Dole, Bright and Eggleston.

Mr. Owen offered for adoption the following resolution,

Which was, on motion, laid on the table,

*Resolved*, That this House will, the Senate concurring, proceed to

the election of three Members of the Board of Internal Improvement on Thursday the 7th February, at two o'clock P. M.

Mr. Proffit asked leave to introduced a resolution;  
And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Anderson, Baker, Bowles, Chapman, Cline, Clyner, Cotton of P., Devin, Egbert, Eggleston, Flint, Graham, Healey, Herriman, Hubbard, Hurst, Jones, Kenton, Lane, Lee, Major, Matson, McClure, Nelson, Owen, Peaslee, Proffitt, Reynolds, Rush, Sands, Thompson, Willey, Wilson of M., Wines and Mr. Speaker—37.

*Those who voted in the negative were*

Messrs. Allison, Arnold, Blair, Boon, Brenton, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Champer, Cogswell, Cooper, Cotton of S., Dole, Dumont, Earl, Field, Glass, Gregory, Helmer, Hendricks, Hurst, Johnston of Marion, Johnston of Monroe, Judah, Kinney, Lewis, Marshall, Mason, McNary, Milroy, Morgan, Morrow, Noel, Perine, Powell, Puett, Reily, Rose, Smydth, Spann, Stewart, Terrell, Townsend, Truelock, Williams and Wilson of H.;—48.

So leave was not granted.

On motion, the House adjourned.

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THURSDAY, FEBRUARY 7, 1839.

House met pursuant to adjournment.

On motion of Mr. Lee,

The Speaker was authorised to appoint a door keeper for the remainder of the session in place of James Fiesler who is, by sickness, unable to discharge the duties of the office.

Whereupon, the Speaker appointed Richard Carter, who was sworn into office by the Hon. Elisha M. Huntington, and entered upon the discharge of his duties.

On motion of Mr. Marshall,

The preceding orders of the day were dispensed with, and bill No. 228, to provide for an increase of the capital of the State Bank, Was taken up and read a third time;  
And the question being on its passage,  
The ayes and noes were requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Anderson, Arnold, Blair, Brenton, Bright, Bryant, Bryce, Carr of J., Carr of L., Champer, Chapman, Chiles, Clymer, Cogswell, Cooper, Conaway, Cotton of P., Cutter, Devin, Dole, Dumont, Earl, Egbert, Eggleston, Flint, Graham, Gregory, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kenton, Kilgore, Lane, Lee, Lewis, Major, Marshall, Mason, McClure, McCormick, Milroy, Morgan, Morrow, Nelson, Noel, Owen, Parker, Powell, Proffitt, Puett, Reynolds, Reily, Rose, Rush, Smydth, Spann, Stewart, Terrell, Thompson, Townsend, Truelock, Vance, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—78.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Baker, Boon, Bowles, Brown, Cline, Cotton of S., Field, Glass, Monroe, Peaslee, Sands, and Wilson of H.—14.  
So said bill passed.

*Ordered*, That the Senate be informed thereof.

On motion of Mr. Judah,

Bill No. 121, to provide for private banking,

Was taken up and read a second time;

On motion of Mr. Owen,

The eighth section of said bill was amended thus:

1st. The President of such partnership, for the time being, shall be deemed and held to be the acting partner. 2d. Against said President as acting partner.

On further motion of Mr. Owen,

The eleventh section of said bill was amended by striking out the word "corporation" and inserting in lieu thereof "state;"

Mr. Kinney moved to amend the seventeenth section by striking out the words "improved and productive;"

Which did not prevail; when,

Mr. Kilgore moved to indefinitely postpone the bill;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Anderson Baker, Brenton, Carr of J., Carr of L., Champer, Chiles, Clymer, Cogswell, Cooper, Cotton of S., Cutter, Devin, Dole, Dumont, Earl, Egbert, Eggleston, Flint, Glass, Graham, Gregory, Healey, Helmer, Hendricks, Hubbard, Hunt, Jackson, Johnson of Marion, Johnston of Monroe, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Marshall, Mason, McClure, McCormick, Morgan, Morrow, Nelson, Noel, Proffitt, Reily, Rose, Terrell, Thompson,

Townsend, Vance, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—58.

*And those who voted in the negative were*

MESSRS. Albertson, Alley, Arnold, Blair, Boon, Bowles, Bright, Brown, Bryant, Bryce, Chapman, Conaway, Cotton of P., Field, Herriman, Hurst, Jones, Judah, Major, Milroy, Monroe, Owen, Parker, Peaslee, Perine, Powell, Puett, Reynolds, Rush, Sands, Spann, Stewart, Truelock, and Wilson of H.—34.

So said bill was indefinitely postponed.

Mr. Noel, from the joint committee, reports:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the enrolled with the engrossed bill of the House,

No. 115, entitled An act to change the name of certain persons therein named, and for other purposes,

And find the same correctly enrolled.

MR. SPEAKER—

The joint committee on enrolled bills have this day compared the enrolled with the engrossed bill of the House,

No. 139, entitled An act to modify the plan of carrying on the public works and to secure their ultimate completion, and amendatory of an act entitled An act to provide for a general system of internal improvement, approved Jan. 27, 1836,

And find the same correctly enrolled.

Also, that we have presented the same to his Excellency the Governor for his approval and signature.

Mr. Healey, from the same committee, reports:

MR. SPEAKER—

The joint committee on enrolled bills have this day compared the following engrossed bills with the enrolled bills which originated in the House of Representatives, and find the same truly enrolled, to-wit:

No. 30—An act to authorize Samuel L. Olmstead to build a mill dam on Pigeon creek;

No. 220—An act for the relief of Joseph Hendricks;

No. 342—An act to incorporate the Columbus and Driftwood Bridge company;

No. 250—An act to incorporate the town of Columbus in Bartholomew county;

No. 59—An act to locate a state road in Green county.

The following message was received from the Senate by Mr. Finch, a member:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House, No. 153, entitled An act relative to injury done the public works by the freshet of January 1838,

Without amendment.

On motion, the House adjourned.

*Two o'clock, P. M.*

The House met.

Mr. Kilgore offered for adoption the following resolution:

*Resolved*, That the committee of ways and means be instructed to allow the door keeper of the House of Representatives three dollars and fifty cents per day for his services during the present session, and that the Speaker of the House be instructed to sign a certificate for that amount.

Mr. Arnold moved to amend said resolution by striking out the words "fifty cents;"

The ayes and noes being demanded thereon by Messrs. Arnold and Townsend,

*Those who voted in the affirmative were*

Messrs. Arnold, Blair, Cogswell, Herriman, Hubbard, Hurst, Lewis, Parker, Powell, Reynolds, Rose, and Townsend—12.

*Those who voted in the negative were*

Messrs. Albertson, Allison, Anderson, Baker, Boon, Bowles, Brenton, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Champer, Chapman, Chiles, Cline, Clymer, Cooper, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dele, Dumont, Earl, Egbert, Eggleston, Field, Flint, Glass, Graham, Gregory, Healey, Helmer, Hendricks, Hunt, Jackson, Johnson of Marion, Johnston of Monroe, Judah, Kenton, Kilgore, Kinney, Lane, Lee, Major, Mason, Matson, McClure, McCormick, Milroy, Monroe, Morgan, Morrow, Nelson, Owen, Peaslee, Proffitt, Reily, Sands, Smydth, Spann, Stewart, Terrell, Thompson, Truelock, Vance, Willey, Williams, Wilson of H., Wilson of M., Wines, Wyman, and Mr. Speaker—76.

So said amendment did not prevail.

On motion of Mr. Wilson of H.,

Said resolution was stricken out and the following adopted:

*Resolved*, That James Fisler, door keeper of this House, be allowed the sum of two hundred and thirty-four dollars and fifty cents for his services rendered during the present session of the legislature, and that the Speaker be authorized to certify his account for this amount.

On motion of Mr. Bright,

The House resolved itself into committee of the whole on bill No. 365, pointing out the mode of levying taxes, and fixing the per centum for state purposes, Mr. Bryce in the chair, and after some time spent therein, the committee arose, reported said bill back to the House with sundry amendments, and asked leave to sit again, which was granted.

On motion, the House adjourned.

FRIDAY, FEBRUARY 8, 1839.

House met pursuant to adjournment.

The following message was received from the Senate, by Mr. Test, their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House as follows, viz:

No. 59, An act to locate a State road in Green county;

No. 189, An act incorporating the Harrison Insurance company;

No. 250, An act to incorporate the town of Columbus, in Bartholomew county;

No. 342, An act to incorporate the Columbus and Driftwood Bridge company.

No. 30, An act to authorize Samuel L. Olmstead to build a mill dam on Pigeon creek,

Each without amendment.

Also the Senate has passed an engrossed bill of the House,

No. 262, entitled An act to incorporate the Anderson, and Greenfield Turnpike and Trust company, with amendments, in which the concurrence of the House is respectfully requested.

Also the Senate has passed engrossed bills thereof as follows, viz:

No. 83, An act to amend an act relative to county boundaries.

No. 108, An act to provide for the election of a Justice of the Peace in the town of New Washington.

No. 127, An act to enable the several School Commissioners to distribute certain school funds derived from the surplus revenue, land

forfeited for nonpayment of taxes, and the sum heretofore set apart for common school purposes from poll tax.

No. 131, An act to charter the Grand Lodge of the Independent Order of Odd Fellows of the State of Indiana.

No. 182, An act to amend an act entitled An act for the prevention of frauds and perjuries, approved January 24, 1831.

No. 184, An act to incorporate the Greencastle Savings Institution, and Manufacturing, and Trading company.

No. 201, An act to repeal an act entitled An act to authorize the mutual transfer of certain school funds between the townships of Eel and Noble, in Cass county, approved February 6, 1837.

No. 202, An act to amend an act entitled An act to incorporate the city of Logansport, approved February 17, 1838.

No. 204, An act to locate a State road from the centre of section 17, township 37, north of range 6 east, to the Goshen and Elkhart State road in Elkhart county.

No. 205, An act to locate a State road therein named.

No. 206, An act to authorize the relocation of a part of a State road therein named, approved February 6, 1837.

In which also the concurrence of the House is respectfully requested.

On motion of Mr. Chiles,

The rules of the House were suspended, and bill

No. 184, was read a second time, when,

Mr. Chiles moved to refer the same to the committee on corporations;

Which was refused.

The House concurred in bill

No. 262, in said message mentioned, with an amendment.

Nos. 83, 184, 131, were each read twice and passed to a third reading on to-morrow.

Nos. 108, 201, 202, 204, 205, and 206, were each read and passed to a second reading on to-morrow.

No. 127, was read twice and referred to the committee on education.

No. 182, was read twice, and,

On motion of Kilgore, indefinitely postponed.

The following message was received from the Senate, by Mr. Test, their Secretary;

Mr. SPEAKER—

The Senate has receded from their first amendment to the bill of the House,

No. 18, entitled an Act to incorporate the Governor's Guards of Evansville.

The Senate has concurred in the amendments of the House to the

amendments of the Senate to the bill of the House,

No. 268, entitled An act to appropriate 3 per cent fund in Fountain county.

Also, the Senate has passed joint resolutions of follows, viz:

No. 292, a joint resolution concerning standing committees.

No. 306, a memorial and joint resolution on the subject of the refuse lands in the counties of Jackson, Scott, and Clark; with amendments, in which the concurrence of the House is respectfully requested.

Also, the Senate has passed an engrossed bill thereof, as follows, viz:

No. 185, An act to incorporate the New Albany and Georgetown Turnpike company; in which also the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills and joint resolutions of the House as follows, viz:

No. 297, An act for the relief of Matthew Greggs.

No. 354, a joint resolution relative to a mail stage route therein named.

No. 271, An act to legalize the proceedings of the board doing county business, in the county of Crawford.

No. 254, An act to legalize the acts of Avery McGee, as Recorder of Brown county.

No. 322, An act authorizing an additional Justice of the Peace in Jackson township, in Fountain county.

No. 99, An act to revive and amend an act entitled An act to incorporate the town of Perrysville, in Vermillion county.

No. 149, An act to authorize the refunding of monies in certain cases.

No. 150, An act to incorporate the Indiana Mechanics' Institute.

No. 174, An act to extend the corporate limits of Rising Sun, in Dearborn county.

No. 164, An act to locate a State road from Spencer in Owen county, to Anguilla in the county of Clay.

Each without amendment.

Also, the Senate has passed engrossed bills of the House, as follows, viz:

No. 126, An act to incorporate the town of Danville, in Hendricks county.

No. 311, An act to incorporate the Dalton Steam Mill and Manufacturing and Trading company. And

No. 87, An act to amend an act entitled An act to incorporate the Eel River Bridge company, approved February 6, 1837, with amendments, in which the concurrence of the House is also respectfully requested.

The House concurred in the amendments of the Senate made to bills

No. 292, 306, 126, 311, 87, in said message mentioned.

No. 185, was read twice and passed to a second reading on to-morrow.

The following message was received from His Excellency the Governor by John M. Wallace his secretary.

MR. SPEAKER—

I am directed to inform the House of Representatives, that the Governor has approved and signed bills of the following titles, to-wit:

No. 131—An act incorporating the Wilmington and Aurora Insurance Company;

No. 320—An act to amend the act to incorporate the town of Vevay.

No. 51—An act to legalize certain acts of the trustees of the town of Bloomington;

No. 255—An act to repeal a certain act in Dearborn county therein named;

No. 328—A memorial and joint resolution of the General Assembly of the State of Indiana on the subject of a mail stage route;

No. 58—An act amendatory to an act entitled An act authorizing a change of venue in certain cases therein named, approved January 20th, 1838;

No. 341—A joint resolution of the General Assembly of the State of Indiana, requesting the Governor to forward a copy of the joint resolution relative to the southern States, to the executives of the different States;

No. 33—An act to amend an act to incorporate the Crawfordsville and Williamsport turnpike company;

No. 94—A memorial and joint resolution of the General Assembly relative to a stage route from Indianapolis to Petersburg;

No. 170—An act to provide for an election of the justice of the peace and constable in the town of Millgrove in Owen county;

No. 313—An act to incorporate the Jeffersonville association;

No. 321—An act relative to the Clay county seminary;

No. 132—An act to incorporate the Marion Blues;

No. 77—An act authorizing the probate court of Monroe county to sell certain real estate therein named;

No. 65—An act providing for the further construction of the Madison and Lafayette railroad;

No. 73—An act to change the mode of doing county business in Bartholomew county, and for other purposes;

No. 27—An act to incorporate the town of Mount Vernon;

220—An act for the relief of Joseph Hendricks;

No. 350—An act to incorporate the town of Columbus in Bartholomew;

No. 139—An act to modify the plan of carrying on the public works, and to secure their ultimate completion, and amendatory of an

act entitled An act to provide for a general system of internal improvement, approved January 27, 1836.

On motion Mr. Lane,

*Resolved*, That the House will, the Senate concurring therein, proceed to the election of three members of the Board of Internal Improvement, and one Principal Engineer of the State, on this day at two o'clock P. M.

Mr. Boon moved to amend said resolution by inserting two o'clock P. M. on Saturday,

Which did not prevail.

The question then recurred on the adoption of said resolution,

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Allison, Brenton, Bright, Bryant, Chiles, Clymer, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Earl, Egbert, Field, Flint, Graham, Healey, Helmer, Hubbard, Jackson, Johnston of Monroe, Jones, Kenton, Kilgore, Kinney, Lane, Marshall, Mason, Matson, McClure, McCormick, Owen, Parker, Proffitt, Sands, Smydth, Spann, Terrell, Thompson, Truelock, Vance Willey, Williams, Wilson of H., Wilson of M., Wines, Wyman, and Mr. Speaker—50.

*Those who voted in the negative were*

Messrs. Alley, Anderson, Arnold, Baker, Blair, Boon, Bowles, Brown, Bryce, Carr of J., Carr of L., Champer, Chapman, Chiles, Cogswell, Cutter, Dole, Dumont, Eggleston, Glass, Gregory, Hendricks, Hunt, Hurst, Johnson of Marion, Judah, Lewis, Major, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Peaslee, Powell, Reynolds, Reily, Rose, Rush and Townsend—41.

So said resolution was adopted.

The following message was received from the Senate by Mr. Test, their Secretary.

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the resolution of the House to proceed to the election of three members of the Board of Internal Improvement, and one principal Engineer at 2 o'clock this day.

Mr. Healey reports:

**MR. SPEAKER—**

The joint committee on enrolled bills have compared the engrossed

with the enrolled bills, and find the following bills truly enrolled to wit:

No. 99—An act to revive and amend an act entitled An act to incorporate the town of Perrysville in Vermillion county;

No. 153—An act relative to injury done the public works by the freshet of January 1838;

No. 322—An act authorizing an additional justice of the peace in Jackson township in Fountain county;

No. 174—An act to extend the corporation limits of Rising Sun in Dearborn county;

No. 164—An act to locate a State road from Spencer in Owen county to Anguilla in the county of Clay;

Mr. Peaslee, from a select committee, reported back to the House bill of the Senate,

No. 147, supplemental to an act to amend an act dividing the state into judicial circuits, and fixing the time of holding courts therein, with an amendment, in which the House concurred.

When said bill was read three times and passed.

Mr. Alley, on leave, introduced bill

No. 390, to provide for the election of justices of the peace in Moscow, Rush county;

Which was read and passed to a second reading.

Mr. McClure presented the petition of sundry citizens of Laporte and other counties, on the subject of the Michigan road;

Which was referred to a select committee of Messrs. McClure, Egbert, and Perine.

On motion of Mr. McClure,

A bill on the same subject was taken from the table and referred to said committee.

Mr. Chapman presented the petition of sundry citizens of Hancock county, on the subject of a McAdamized road from Greenfield via Rushville to the Whitewater canal;

Which was referred to the same select committee to which like petitions have been referred.

On motion of Mr. Chapman,

A bill on the same subject was referred to said committee.

Mr. Vance presented the petition of B. Morgan and others, praying for the formation of a new county out of the counties of Huntington, Grant, and Wells;

Referred to a select committee of Messrs. Vance, Wines, and Hunt.

On motion of Mr. Kilgore, bill

No. 95, on the subject of locating the northern end of the Central canal, was taken up,

When he moved to concur in the amendment of the Senate, with the following amendment:

A railroad from the Central canal or Muncietown feeder, or a canal as far as practicable and the residue by McAdamized turnpike

road, or the entire connection to be made by McAdamized road upon the nearest, best, and cheapest route, from some point on the Central canal or Muncietown feeder to some suitable point on the Whitewater canal, whichever may, upon examination, be found most conducive to the public interest and least expensive to the state, any law now in force to the contrary notwithstanding.

The ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Alley, Allison, Arnold, Blair, Brown, Bryce, Carr of J., Chapman, Chiles, Cline, Cogswell, Earl, Eggleston, Flint, Gregory, Hurst, Jones, Judah, Kilgore, Lewis, McClure, Morgan, Morrow, Noel, Peaslee, Powell, Rose, Rush, Spann, Vance, and Wilson of M.—31.

*Those who voted in the negative were*

Messrs. Albertson, Baker, Boon, Bowles, Brenton, Bright, Bryant, Carr of L., Clymer, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Dumont, Egbert, Field, Glass, Healey, Hubbard, Jackson, Johnson of Marion, Johnston of Monroe, Kenton, Kinney, Lane, Lee, Major, Marshall, Mason, McCormick, Owen, Reynolds, Reily, Sands, Terrell, Thompson, Townsend, Truelock, Willey, Williams, Wilson of H., Wines, and Wyman—45.

On motion of Mr. Boon,

Said vote was reconsidered.

The question then recurred on concurring in the amendment of the Senate with Mr. Kilgore's amendment;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Alley, Arnold, Blair, Boon, Bowles, Brown, Bryant, Bryce, Carr of J., Chapman, Cline, Conaway, Cotton of P., Cotton of S., Devin, Dole, Earl, Eggleston, Field, Flint, Glass, Graham, Gregory, Hunt, Hurst, Jones, Judah, Kilgore, Lewis, Major, McCormick, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Peaslee, Powell, Reynolds, Reily, Rush, Sands, Smydth, Spann, Thompson, Vance, Wilson of M., and Wines—49.

*Those who voted in the negative were*

Messrs. Anderson, Baker, Brenton, Bright, Cogswell, Cooper, Dumont, Healey, Helmer, Hendricks, Hubbard, Jackson, Johnson of Marion, Kenton, Kinney, Marshall, Mason, Parker, Rose, Terrell, Townsend, Willey, Williams, Wilson of H., Wyman, and Mr. Speaker—26.

So the House concurred in the amendment of the Senate, with the amendment of Mr. Kilgore.

Mr. Powell, from the committee on roads, reported bill No. 391, to locate a state road therein named;

Which was read and passed to a second reading on to-morrow.

Mr. Powell, from same committee made the following report, in which the House concurred:

Mr. SPEAKER—

The committee on roads, to which was referred a bill providing for a review of a portion of the Cambridge and Fort Wayne state road; also a bill to locate a state road therein named; also the petition of sundry citizens praying the location of a state road from Wabash town to Rochester; also the petition of sundry citizens of Decatur county, praying that a part of the state road leading from Rushville to Lawrenceburgh be vacated, have had the same under consideration and directed me to report, that it is inexpedient to legislate on those subjects, and ask to be discharged from the further consideration thereof.

Mr. Powell from the same committee, reported bill

No. 392, to establish certain state roads therein named, and for other purposes;

Which was read and passed to a second reading.

Mr. Thompson, from the committee on canals and internal improvements, reported joint resolution

No. 393, on the subject of the St. Mary's canal;

Which was read, and passed to a second reading.

Mr. Cooper from the committee on corporations reported, with an amendment, bill

No. 357 to incorporate the Shelbyville and Blue river rail road company;

In which the House concurred.

Said bill was then ordered to be engrossed.

Also, bill

No. 286, to authorize, Jeremiah Harnell, Benjamin N. Spencer, and others, to build a bridge across the Kankakee river, with an amendment,

In which the House concurred.

Said bill was then ordered to be engrossed for a third reading.

Also, bill of the Senate,

No. 16, to incorporate the Richmond and Boston turnpike company;

Without an amendment.

Said bill was ordered to be engrossed for a third reading.

Mr. Kilgore from the select committee reported bills

No. 369, to incorporate the Morgantown and Greensburgh turnpike company;

No. 105, to incorporate the Hancock Guards;

No. 297, to incorporate the Rushville and Brookville turnpike company;

No. 191, to incorporate the town of Aurora;

With amendments, in which the House concurred.

Each of said bills was ordered to be engrossed for a third reading on to-morrow.

Mr. Parker from the committee on corporations made the following report:

Mr. SPEAKER—

The committee on corporations to which was referred the bill No. 356, entitled A bill to extend the privileges of the Salem Savings Institution, have had the same under consideration, and directed me to report the same back without amendment.

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Kilgore, from the same committee reported bill

No. 377, to incorporate the Spencer and Terre Haute McAdam turnpike company, with an amendment;

In which the House concurred.

Mr. Smydth moved to amend said, bill by making Bowling Green, Jonesborough, and Seventy-six, points on said road;

Mr. Champer moved to amend the amendment by striking out Jonesborough and Seventy-six, which prevailed;

When the amendment as amended was adopted.

On futher motion of Mr. Smydth, said bill was amended by inserting names of sundry citizens of Clay county, as commissioners to open books, &c.;

When said bill, as amended, was ordered to be engrossed.

Mr. Bryce from a select committee reported back to the House, bill No. 314, to amend the act organizing probate courts, &c.;

With an amendment, in which the House concurred;

On motion the House adjourned.

*Two o'clock, P. M.*

House met,

On motion of Mr. Vance,

*Resolved*, That the Senate be invited into the hall of the House of Representatives instantler, for the purpose of going into the election of three members of the Board of Internal Improvement, and one Principal Engineer of the State; and that seats be provided on the right of the Speaker's chair.

The Senate then came into the hall of the House of Representatives and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, and both Houses

proceeded by joint *viva voce* vote to the election of three members of the Board of Internal Improvement.

And the following is the result of the vote:

*Those who voted for Samuel Lewis were*

Messrs. Arion, Baird of St. J., Beard of M., Bell, Bowen, Casey, Cathcart, Clark of L., Clark of T., Cole, Crawford, Dobson, Dunning, Finch, Green, Hackett, Hargrove, Hoagland, Little, Moffit, Moore, Morgan, Mount, Riley, Sigler, Stafford, Stanford, Thompson of Johnson, Trimble, Tuley, Vawter, Walker, Watts of Dearborn, Watt of Union, Williams, Albertson, Allison, Arnold, Blair, Boon, Bowles, Brenton, Bright, Brown, Bryant, Bryce, Carr of J., Carr. of L., Chiles, Cline, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Devin, Dole, Earl, Egbert, Eggleston, Field, Flint, Graham, Healey, Helmer, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Monroe, Jones, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Major, Marshall, Mason, Matson, McClure, Milroy, Monroe, Morrow, Noel, Owen, Parker, Proffitt, Puett, Reynolds, Riley, Rose, Sands, Smydth, Spann, Stewart, Terrell, Thompson, Truelock, Vance, Willey, Williams, Wilson of H., Wilson of M., Wines, Wyman, and Mr. Speaker—108.

*Those who voted for John A. Graham were*

Messrs. Arion Baird of St. J., Beard of M., Bell, Bowen, Brady, Bryant, Casey, Cathcart, Clark of L., Clark of T., Cole, Crawford, Dobson, Dunning, Ewing of Cass, Green, Hackett, Hargrove, Hoagland, Little, Moffit, Moore, Mount, Riley, Sigler, Stafford, Stanford, Thompson of J., Thompson of P., Trimble, Tuley, Vawter, Walker, Watts of D., Williams, Albertson, Allison, Anderson, Arnold, Baker, Brenton, Bright, Brown, Bryant, Carr of J., Carr of L., Cline, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Devin, Earl, Egbert, Eggleston, Field, Flint, Graham, Healey, Helmer, Herriman, Hubbard, Hurst, Jackson, Johnson of Monroe, Jones, Kenton, Kinney, Lane, Lee, Major, Marshall, Mason, Matson, McClure, Monroe, Morrow, Owen, Parker, Proffitt, Puett, Reynolds, Reily, Sands, Smydth, Spann, Stewart, Terrell, Thompson, Townsend, Truelock, Vance, Willey, Williams, Wilson of H., Wilson of M., Wines, Wyman, and Mr. Speaker—101.

*Those who voted for Noah Noble were*

Messrs. Arion, Baird of St. J., Beard of M., Bell, Bryant, Casey, Cathcart, Clarke of L., Clark of T., Cole, Crawford, Dobson, Dunning, Greene, Hackett, Hargrove, Hoagland, Little, Moffit, Moore, Morgan, Mount, Riley, Sigler, Stafford, Stanford, Thompson of J., Thompson of Perry, Trimble, Turman, Vawter, Walker, Watts of Dearborn, Williams, Allison, Blair, Brenton, Bright, Bryant, Chap-

man, Chiles, Cline, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Devin, Dole, Earl, Egbert, Eggleston, Flint, Graham, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Monroe, Jones, Judah, Kenton, Kinney, Lane, Lee, Lewis, Marshall, McClure, Morgan, Morrow, Noel, Owen, Parker, Peaslee, Powell, Proffitt, Puett, Reynolds, Rush, Smydth, Spann, Terrell, Thompson, Townsend, Truelock, Vance, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—99.

*Those who voted for Thomas Brown were*

Messrs. Armstrong, Brady, Ewing of C., Finch, Lowe, Mitchell, Morgan, Smith of P., Smith of W., Watt of Union, Anderson, Arnold, Boon, Bryce, Chapman, Glass, Gregory, Hendricks, Johnson of Marion, Judah, Kilgore, Lewis, Major, Milroy, Nelson, Peaslee, Powell, Rose, Sands—30.

*Those who voted for Thomas Posey were*

Messrs. Finch, Mitchell, Smith of R., Smith of W., Thompson of P., Turman, Albertson, Bowles, Carr of L, Dumont, Stewart, and Wilson of H.—12.

*Those who voted for J. P. Drake were*

Messrs. Smith of W. Boon, Bryce, Chapman, Conaway, Glass, Johnson of Marion, Judah, Milroy, Nelson, Peaslee, and Powell—12.

*Those who voted for ——— West were*

Messrs. Bryant, Lowe, Mitchell, Tuley, Baker, Bowles, Carr of J., Conaway, Glass, Nelson, Morgan, Brown, Rush, McNary—14.

*Those who voted for A. Morgan were*

Messrs. Armstrong, Lowe, Smith of R., Morgan, Rush, Baker—6.

*Those who voted for John M. Colman were*

Messrs. Turman, Blair, Chiles, Dole, Field, Gregory, Hendricks, Kilgore, McNary, Noel, Rose, Townsend—12.

*Those who voted for David H. Maxwell were*

Messrs. Conaway, McNary, and Reily—3.

Mr. Gregory voted for S. S. Collett.

Mr. Watt of Union, voted for Gen. Evans.

Mr. Cutter voted for Messrs. Wines, R. D. Owen, and Samuel Judah.

Mr. Hunt voted for Andrew Kennedy.

Mr. McCormick voted for Robert D. Owen, A. M. Puett, and John Pettit.

Mr. Monroe voted for A. F. Morrison.

Samuel Lewis, John A. Graham, and Noah Noble, having each received a majority of all the votes given,

The Secretary of the Senate and the Clerk of the House proceeded, according to the form of the statute in such case made and provided, to draw lots, to determine the term of service for each member elect; Which resulted in the choice of Samuel Lewis to serve for three years; Noah Noble for two years, and John A. Graham for one year.

The President of the Senate then declared those gentlemen duly elected to serve for the terms aforesaid from and after the first day of March next.

Both Houses then in like manner proceeded to the election of a Principal Engineer, which resulted as follows:

*Those who voted for Jesse L. Williams were,*

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Casey, Cathcart, Clark of Tippecanoe, Cole, Crawford, Dobson, Dunning, Ewing of C., Finch, Green, Hackett, Hargrove, Hoagland, Little, Lowe, Moore, Morgan, Mount, Riley, Sigler, Stafford, Stanford, Thompson of J., Thompson of P., Trimble, Tuley, Vawter, Walker, Watts of Dearborn, Watt of Union, Albertson, Allison, Anderson, Arnold, Blair, Bowles, Bright, Brown, Bryce, Cline, Clymer, Cogswell, Cooper, Cotton of S., Cutter, Devin, Dole, Earl, Egbert, Eggleston, Field, Flint, Graham, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Johnson of Monroe, Kenton, Kinney, Lane, Lee, Lewis, Major, Marshall, Matson, McClure, McCormick, Morgan, Morrow, Noel, Owen, Peaslee, Powell, Proffitt, Puett, Reynolds, Reily, Rose, Rush, Sands, Smydth, Spann, Terrelli, Thompson, Townsend, Truelock, Vance, Willey, Williams, Wilson of M. Wines, Wyman, and Mr. Speaker—105.

*Those who voted for ——— Mitchell were*

Messrs. Armstrong, Bryant, Baker, Boon, Carr of J., Carr of L., Cotton of P., Gregory, Milroy, Parker, Stewart, and Wilson of Harrison—12.

*Those who voted for ——— Rulon were*

Messrs. Chapman, Chiles, Dumont, Judah—4.

For Thomas Smith, Messrs. Clark of L., and Kennedy—2.

For Andrew Kennedy, Mr. Smith of Ripley—1.

Mr. Turman voted for Mr. Day—1.  
 Mr. Brenton voted for H. Brady—1.  
 Messrs. Bryant, Jones, and Hurst, voted for Bryce—3.  
 Mr. Conaway voted for Kilgore—1.  
 Mr. Glass voted for Cutter—1.  
 Mr. Kilgore voted for Conaway—1.  
 Mr. McNary voted for George. H. Proffitt—1.  
 Mr. Nelson voted for J. R. M. Bryant—1.

Jesse L. Williams having received a majority of all the votes given, was, by the President of the Senate, declared duly elected Principal Engineer, to serve as such for the term of three years, from and after the first day of March next.

The Senate then returned to their chamber, when,  
 On motion, the House adjourned.

SATURDAY, FEBRUARY 9, 1839,

House met pursuant to adjournment.

Mr. Peaslee, on leave, reported from a select committee, No. 291, to provide for the improvement of the Michigan road north of Indianapolis.

Mr. Peaslee moved to concur in the report of the committee with an amendment.

Mr. Brown moved to amend the amendment as follows:

That the system men provide a Priest  
 To sacrifice some goodly beast;  
 And should the House select the Calf,  
 The following is its

EPITAPH;

Here lies a calf well understood,  
 To be of Modifying blood;  
 Its dam was one of Pharaoh's kine,  
 Its sire was of the Peaslee line;  
 And judging from its horns and skin  
 No system was among its kin.  
 It never tasted moral worth,  
 Instinct, not reason, gave it birth;  
 Nor did it fall by heavy blows,  
 But by the missile ayes and noes.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Baker, Boon, Bowles, Bright, Brown, Bryant, Bryce, Carr of L., Chiles, Clymer, Cutter, Earl, Flint, Healey, Herriman, Johnston of Monroe, Judah, Lane, Lee, Marshall, McCormick, McNary, Milroy, Parker, Reynolds, Smydth, Stewart, Thompson, Vance, and Williams—32.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Blair, Brenton, Carr of J., Chapman, Cline, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Dole, Dumont, Egbert, Eggleston, Field, Glass, Graham, Gregory, Helmer, Hendricks, Hunt, Hurst, Jackson, Johnson of Marion, Jones, Kinney, Lewis, Major, Mason, Matson, McClure, Monroe, Morgan, Morrow, Nelson, Noel, Peaslee, Powell, Proffitt, Puett, Reily, Rose, Rush, Sands, Spann, Terrell, Townsend, Truelock, Willey, Wilson of H., Wilson of M., Wyman, and Mr. Speaker—57.

So said epitaph was not adopted.

Mr. Proffitt moved to lay said bill and pending amendments on the table;

The ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Baker, Boon, Bowles, Bright, Brown, Bryant, Bryce, Carr of L., Champer, Chiles, Clymer, Cogswell, Cooper, Cutter, Devin, Earl, Flint, Graham, Healey, Helmer, Herriman, Johnston of Monroe, Judah, Kenton, Kinney, Lane, Lee, Major, Marshall, Mason, Matson, McCormick, Milroy, Monroe, Parker, Proffitt, Reynolds, Smydth, Stewart, Terrell, Thompson, Townsend, Vance, Willey, Williams, Wyman, and Mr. Speaker—50.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Blair, Brenton, Carr of J., Chapman, Cline, Conaway, Cotton of P., Cotton of S., Dole, Dumont, Egbert, Eggleston, Field, Glass, Gregory, Hendricks, Hubbard, Hunt, Hurst, Jackson, Jones, Kilgore, Lewis, McClure, Morgan, Morrow, Nelson, Noel, Peaslee, Powell, Puett, Reily, Rose, Rush, Sands, Spann, Truelock, Wilson of H., and Wilson of M.—42.

So said bill and pending amendments were laid on the table.

Mr. Powell, from a select committee, reported back to the House, bill of the Senate,

No. 26, to provide for the election of a justice of the peace in Pleasant View, Shelby county,

With an amendment, in which the House concurred;

When said bill was ordered to a third reading on to-morrow.

Mr. Bryant, of the judiciary committee, reported bill

No. 394, authorizing the several boards doing county business to sell and convey real estate;

Which was read twice and ordered to be engrossed for a third reading.

Mr. McClure, from a select committee, reported back to the House, bill

No. 267, to provide for the improvement of the Michigan road;

Mr. Stewart moved to lay said bill on the table;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Anderson, Arnold, Baker, Boon, Bowles, Brown, Carr of L., Chapman, Chiles, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dole, Dumont, Earl, Eggleston, Flint, Gregory, Healey, Helmer, Hendricks, Hubbard, Hunt, Jackson, Johnston of Monroe, Jones, Kenton, Lee, Lewis, Mason, Matson, McNary, Monroe, Morrow, Noel, Reynolds, Reily, Rose, Sands, Smydth, Stewart, Townsend, Truelock, Willey, and Williams—50.

*And those who voted in the negative were*

Messrs. Albertson, Alley, Blair, Brenton, Bright, Bryant, Bryce, Carr of J., Champer, Cline, Clymer, Egbert, Glass, Graham, Herri-man, Hurst, Johnson of Marion, Judah, Kilgore, Kinney, Lane, Major, Marshall, McClure, McCormick, Milroy, Morgan, Nelson, Parker, Peaslee, Powell, Proffitt, Rush, Spann, Terrell, Thompson, Vance, Wilson of H., Wilson of M., Wyman, and Mr. Speaker—42.

So said bill was laid on the table.

Mr. Judah, from a select committee, reported back to the House, bill

No. 175, relative to the practice in the circuit court,

With an amendment, in which the House concurred.

Mr. Champer moved to amend said bill by striking out that part which dispenses with the issuing of a *scire facias* to revive a judgment after one year and one day;

Which was not agreed to.

On motion of Mr. Marshall, said bill was amended thus:

No amendment of any pleadings in the circuit court, other than amendments to the declaration, shall entitle the adverse party to a continuance of the cause, as a matter of course, except where the issues have been made up at a previous term of the court.

Mr. Bright moved the previous question;

Which was seconded by the House.

The House likewise agreed to put the main question now;

Which was, Shall the said bill be ordered to be engrossed?

Which was agreed to.

Mr. Dumont, from a select committee, reported

No. 395, to appropriate 3 per cent. fund in Dearborn county,

Which was read twice and ordered to be engrossed for a third reading.

Mr. Anderson, from a like committee, reported back to the House, bill

No. 113, to provide for the election of county treasurer, and for other purposes, with an amendment in which the House concurred;

When on motion of Mr. Gregory, said bill was laid on the table.

Mr. Bright, from a select committee, reported back to the House with an amendment bill

No. 211, to authorize the board of justices of Scott county to sell a part of the public square in the town of Lexington, in which the House concurred,

When said bill was read a second and third times and passed.

*Ordered,* That the Senate be informed thereof.

Mr. Bowles, from a like committee, reported bill

No. 396, to provide for the election of a justice of the peace in Orange county,

Read and passed to a second reading on to-morrow.

Mr. Arnold, from a select committee, reported back to the House with an amendment, bill

No. 125, concerning a school district in Dearborn county, in which the House concurred;

When said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Wilson of M., from like committee, reported

No. 397, to attach the north east quarter of town 30, north of range 4 east to the county of Fulton;

Read and passed to a second reading.

Mr. Kenton, from a select committee, reported back to the House bill of the Senate

No. 183, to locate a State road from South Bend to Lafayette, with an amendment, in which the House concurred;

When said bill was read a third time and passed.

Mr. Thompson, from a like committee, reported back to the House with an amendment, bill

No. 368, for the encouragement of agriculture, and to improve the breed of cattle, in which the House concurred;

When Mr. Brown moved to lay said bill on the table.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Baker, Boon, Brown, Carr of J., Cline, Conaway, Gregory, Hurst, Johnston of Monroe, Lee, Major, McCormick, Milroy, Monroe, Powell, Rose, Spann and Townsend—18.

*Those who voted in the negative were*

Messrs. Albertson, Anderson, Arnold, Bowles, Brenton, Bright, Bryce, Carr of L., Champer, Chapman, Chiles, Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Devin, Dole, Dumont, Earl, Egbert, Eggleston, Field, Flint, Glass, Graham, Healey, Helmer, Hubbard, Jackson, Johnston of Marion, Jones, Judah, Kenton, Kilgore, Kinney, Lane, Lewis, Marshall, Mason, McClure, Morgan, Morrow, Nelson, Noel, Owen, Puett, Reily, Rush, Sands, Smydth, Stewart, Terrell, Thompson, Truelock, Vance, Williams, Wilson of M. and Mr. Speaker—58.

So said bill was not laid on the table.

Mr. Cutter moved to amend said bill by striking out 6 per cent. and inserting eight—lost.

The question then recurred on the engrossment of said bill.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Allison, Anderson, Arnold, Blair, Bowles, Brenton, Bright, Bryce, Carr of L., Carr of J., Chiles, Clymer, Cooper, Conway, Cotton of P., Cotton of S., Devin, Dole, Dumont, Earl, Egbert, Eggleston, Field, Glass, Graham, Healey, Hendricks, Hubbard, Hurst, Jackson, Johnston of Marion, Johnson of Monroe, Jones, Judah, Kenton, Kilgore, Kinney, Lee, Lewis, Marshall, Mason, McClure, Morgan, Noel, Owen, Proffitt, Puett, Reily, Rose, Rush, Sands, Smydth, Stewart, Terrell, Thompson, Truelock, Vance, Willey, Williams, Wilson of M., Wyman and Mr. Speaker—63.

*Those who voted in the negative were*

Messrs. Baker, Boon, Chapman, Cline, Cutter, Flint, Gregory, Helmer, Lane, Major, McCormick, Milroy, Monroe, Morrow, Nelson, Powell, Reynolds, Spann and Townsend—20.

So said bill was ordered to be engrossed for a third reading.

Mr. Lee, from a select committee, to which was referred bill of the Senate,

No. 138, to locate a State road therein named, reported the same back to the House without amendment,

When it was read a third time and passed.

*Ordered*, That the Senate be informed thereof.

Mr. McCormick introduced joint resolution

No. 398, to suspend operations on the public works in Marion county for one year;

When Mr. Judah moved to reject it.

And before any further action had thereon, the House adjourned.

*Two o'clock, P. M.*

House met.

Mr. Morgan reports:

MR. SPEAKER—

The joint committee on enrolled bills report that they have this day compared the following engrossed bills of the House with the enrolled bills and find them correctly enrolled, viz:

No. 87—An act to amend an act entitled An act to incorporate the Eel river bridge company, approved February 6th, 1837;

No. 84—An act to regulate the jurisdiction of justices of the peace in the county of Allen;

No. 70—An act to repeal an act entitled An act to attach a part of the township No. 19, north of range No. 4, east to township No. 19, north of range 5 east, and for other purposes;

No. 44—An act for the relief of John Shelly;

No. 76—An act to legalize the sale of certain school lands in Clinton county;

No. 358—An act attaching the county of Newton to the county of White, and for other purposes;

No. 86—An act to amend an act entitled An act regulating Marriages, approved February 17th, 1838;

No. 97—An act vacating the Albany and Burlington State road in Delaware county;

No. 85—An act for the relief of Edward Gird late collector of Shelby county;

No. 327—A joint resolution for the relief of William Perdue;

No. 276—An act to provide for the election of an additional justice of the peace in the county of Kosciusko;

No. 282—An act relative to an additional justice of the peace in Plummer township Greene county;

No. 353—An act to amend an act entitled An act to incorporate Michigan city, approved February 8th, 1836;

No. 355—A joint resolution on the subject of the Michigan and Erie canal;

No. 346—An act to change the name of Isaac Smith, brother of John S. Smith deceased, late of Crawford county;

No. 190, An act to amend an act entitled An act relative to the county boundaries, approved February the 17th, 1838.

No. 195, An act to amend an act entitled An act relative to county boundaries, approved February 17th, 1838, so far as the counties of Porter, Lake, and Newton, are concerned;

No. 200, An act to revive an act entitled An act for the benefit of those persons, who have or are likely to suffer by the destruction of

the records of Dearborn county, which were consumed by fire on the morning of the sixth of March, 1826, approved January the 11th, 1827.

No. 150, An act to incorporate the Indiana Mechanics' Institute;

No. 68, An act relative to a side cut canal opposite the town of Clinton;

No. 93, An act to legalize the name of Nathan Walden;

No. 53, An act for the improvement of Little Raccoon creek in Pike county;

No. 292, A joint resolution concerning standing committees;

No. 69, An act to authorize an additional justice of the peace in the counties of Montgomery and Knox;

No. 103, An act to legalize the proceedings of Wesley Park;

No. 268, An act to appropriate the three per cent. fund in Fountain county;

The following message was received from the Senate by Mr. Test, their secretary:

MR. SPEAKER—

The Senate has passed the engrossed bill of the House, No. 228 entitled An act providing for the increase of stock in the State Bank, with an amendment, in which the concurrence of the House is respectfully requested.

The Senate has reciprocated the resolution of the House to adjourn *sine die* on the 18th instant.

The House concurred in the amendment of the Senate to the bill in said message mentioned.

No. 308, to suspend operations on the public works in Marion county for one year was taken up.

When the question recurred on the motion of Mr. Judah, to reject said joint resolution;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Baker, Boon, Bowles, Bright, Brown, Carr of J., Carr of L., Chapman, Cline, Cogswell, Conaway, Cotton of P., Devin, Dole, Dumont, Earl, Flint, Graham, Helmer, Hendricks, Hunt, Hurst, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kinney, Lane, Lee, Lewis, Major, McNary, Morrow, Nelson, Noel, Owen, Peaslee, Powell, Puett, Reily, Rose, Spann, Townsend, Vance, Williams, and Wyman—47.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Anderson, Arnold, Blair, Brenton, Bryant, Bryce, Chiles, Clymer, Cooper, Cotton of S., Cutter, Egbert, Eggleston, Field, Glass, Gregory, Healey, Kilgore, Mason, McClure, Mc-

Cormick, Milroy, Parker, Proffitt, Rush, Sands, Smydth, Thompson, Truelock, Wilson of H., Wilson of M., and Mr. Speaker—34.

So said joint resolution was rejected.

On motion of Mr. Brenton, the vote was reconsidered on the indefinite postponement of bill

No. 157, to authorize the sale of a certain lot in the town of Indianapolis;

When said bill was read a third time and passed.

Mr. Wilson, (on leave,) introduced the following resolution:

*Resolved*, That on Monday next the Speaker be authorized to call alphabetically upon the members of this House, with a view to afford an opportunity for the introduction of bills.

The House now went into the orders of the day, and took up bills

No. 57, to amend an act subjecting real and personal estate to execution,

Was read, and on motion of Mr. Cooper, laid on the table.

No. 182, relative to the town of Jeffersonville,

Was read a second time when Mr. Hurst moved to indefinitely postpone it,

Which did not prevail.

Mr. Field moved to amend said bill by exempting from taxation all lots north of North street, which was lost;

When said bill was ordered to be engrossed.

Mr. Brenton moved to suspend the rules, and read the bill a third time now.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Baker, Brenton, Carr of J., Champer, Chiles, Cogswell, Conaway, Cotton of S., Cutter, Devin, Egbert, Flint, Herriman, Kenton, Kilgore, Marshall, Mason, McNary, Owen, Parker, Proffitt, Puett, Reynolds, Rush, Smydth, Thompson, Vance, Williams, Wilson of H., Wilson, of M., and Mr. Speaker—33.

*Those who voted in the negative were*

Messrs. Arnold, Boon, Bowles, Bright, Brown, Bryant, Bryce, Carr of L., Chapman, Cline, Cooper, Cotton of P., Dole, Dumont, Earl, Eggleston, Field, Glass, Graham, Healey, Helmer, Hendricks, Hubbard, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kinney, Lane, Lee, Lewis, Major, McClure, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Reily, Rose, Spann, Stewart, Townsend, and Wyman—47.

So the rules of the House were not suspended.

No. 173, to lay a tax on certain professions and officers for State purposes;

Was read a second time, when

Mr. Bryce moved to indefinitely postpone it,

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Anderson, Baker, Boon, Bowles, Brown, Bryant, Bryce, Carr of J., Carr of L., Champer, Chapman, Cline, Clymer, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Egbert, Eggleston, Field, Flint, Glass, Healey, Hendricks, Herriman, Hurst, Johnson of Marion, Judah, Kenton, Lane, Lee, Lewis, Major, Milroy, Monroe, Morrow, Nelson, Noel, Peaslee, Powell, Puett, Rose, Sands, Smydth, Spann, Stewart, Truelock, Vance, Wilson of H., Wilson of M., Mr. Speaker—55.

*Those who voted in the negative were*

Messrs. Alley, Arnold, Blair, Brenton, Bright, Dumont, Earl, Graham, Gregory, Helmer, Hubbard, Jackson, Johnson of Monroe, Jones, Kilgore, Kinney, Marshall, Mason, McClure, Morgan, Owen, Proffitt, Reily, Rush, Thompson, Townsend, and Williams—27.

So said bill was indefinitely postponed.

No. 133, to amend the acts incorporating congressional townships;

No. 143, to change the mode of doing county business in Perry county;

No. 150, supplemental to the act incorporating the town of Princeton;

No. 153, to repeal an act in relation to tavern license;

No. 378, An act supplemental to the act dividing the State into judicial circuits and fixing the time of holding the courts therein.

Each of which was read a second and third time and passed.

No. 129, (Senate) relative to county libraries;

No. 165, an act for the election of an additional justice of the peace in the county of Boon.

No. 171, An act relative to the ninth Judicial circuit;

No. 367, in relation to the State House and for other purposes;

No. 372, to provide for the sale of a school section in Lake county;

No. 361, to amend an act incorporating congressional townships;

No. 364, to grant the State of Illinois the right of way to connect the northern cross-cut railroad with the Wabash and Erie Canal at the town of Williamsport;

Each of which was read a second time and ordered to be engrossed for the third reading on Monday.

No. 57, (Senate) to locate a State road from Muncietown to Camden;

No. 132, to locate a State road from New Albany to Charlestown;

No. 140, to locate a State road in the county of Wayne;

No. 141, to legalize the acts of the President and trustees of the Morgan county seminary;

152, to incorporate the Bloomington Band.

No. 55, (Senate,) to locate a State road therein named;  
All of which were read a second time and passed to a third reading on Monday.

No. 374, A joint resolution in relation to appointing a State board of equalization;

Which on motion of Mr. Boon was laid on the table,

No. 145, An act for the relief of John Bisby,

Was referred to the committee on claims;

No. 143, to locate a State road from Marion to Delphi,

Was referred to a select committee.

No. 95, An act to provide for the relocation of the seat of justice of Scott county;

Was read a second and third time and passed.

No. 160, An act to incorporate Michigan city;

No. 161, An act concerning a State road in Porter and Lake counties;

No. 149, To relocate a part of the Greenfield and Franklin State road;

No. 135, To amend an act authorizing school commissioners to correct collectors' returns in certain cases;

No. 176, relative to the three per cent. on lands in this State, sold at Cincinnati;

No. 386, A joint memorial in relation to a Harbor at City West;

No. 394 A joint memorial on the subject of the St. Mary's canal;

All of which were read a second and third time and passed.

No. 173, joint resolution of the Senate, to authorize the Secretary of State to do an act therein named;

No. 124, to amend an act incorporating the Connersville and Fort Wayne Insurance companies;

Were each read a second time and passed to a third reading.

No. 360, to locate a State road therein named,

Were referred to the committee on roads.

No. 229, to authorize the fund commissioners to make titles and releases on the part of the State;

Was, on motion laid on the table.

No. 186, to amend an act providing for a more uniform mode of doing county business;

No. 191, to authorize the election of an additional justice of the peace in Hamilton county;

No. 74, to provide for a survey and report of the mineral resources of the State;

No. 394, joint resolution on the subject of the St. Mary's canal.

Each of which was read a second and third time and passed;

On motion, the House adjourned until Monday morning, nine o'clock.

MONDAY, FEBRUARY 11, 1839.

House met pursuant to adjournment.

The Speaker laid before the House a communication on the subject of the building on the Governor's Circle;

Which was read and referred to the committee on the affairs of Indianapolis.

Mr. Brown had leave of absence granted after Thursday next.

On motion of Mr. Lane, bill

No. 365, to prescribe the mode of levying taxes and fixing the per centum for 1839,

Was taken up and referred to a select committee of Messrs. Lane, Milroy, Bright, Terrell, Devin, Noel, and Thompson.

The following bills were introduced:

Mr. Albertson,

No. 398, declaring a certain state road vacated.

Mr. Arnold,

No. 399, an act to repeal an act therein named.

Mr. Blair,

No. 400, to amend an act regulating ferries.

Mr. Bowles,

No. 401, to incorporate the Orange Blues.

Mr. Bright,

No. 402, defining the boundaries between the counties of Clark and Washington, and for the formation of a new county.

Mr. Chapman,

No. 403, to amend the act regulating roads and highways.

Mr. Cline,

No. 404, for the relief of the collector of Porter county.

Mr. Devin,

No. 406, to cause a survey of Patoka river.

Mr. Earl,

No. 407, to vacate the town of New Market.

Mr. Field,

No. 408, to provide for the completion of the Ohio and Salem McAdam road.

Mr. Glass,

No. 409, to authorize the erection of a bridge over Laughrey creek.

Mr. Gregory,

No. 410, to repeal the 117th section of an act therein named.

Mr. Helmer,

No. 412, to establish a state road in Lawrence county.

Mr. Hubbard,

No. 413, making general appropriations for 1839.

Mr. Hurst,

No. 414, for the relief of purchasers at sheriff's sale,

*Mr. Jackson,*

No. 415, to incorporate the Dublin Academy.

*Mr. Johnson of Marion,*

No. 416, to vacate part of an alley in Indianapolis.

*Mr. Johnston of Monroe,*

No. 417, to legalize the sale of lots near Bloomington.

*Mr. Jones,*

No. 418, to incorporate the Philomathean Society in Spencer county.

*Mr. Mason,*

No. 425, to authorize the erection of bridges across canals.

*Mr. Truelock,*

No. 435, for the improvement of the Muskatatack river.

Each of which was read and passed to a second reading on to-morrow.

*Mr. Healey reports:*

**MR. SPEAKER—**

The joint committee on enrolled bills have this day compared the engrossed bills of the House with the enrolled bills, and find the following truly enrolled, viz:

No. 126—An act to incorporate the town of Danville in Hendricks county;

No. 273—An act for the relief of the securities of N. W. Sexton late collector of Laporte county;

No. 348—An act to incorporate the Wabash and Goshen turnpike company;

No. 383—An act to incorporate the Bartholomew county seminary;

No. 18—An act to incorporate the Governor's Guards of Evansville.

The following bills were introduced, read a first, second, and third times and passed, the rule being suspended:

*Mr. Judah,*

No. 419, relative to the Governor.

*Mr. Lane,*

No. 421, to legalize the proceedings of the Board of Commissioners of Vanderburgh county.

*Mr. Marshall,*

No. 424, to authorize a change of venue in certain cases.

*Mr. Morgan,*

No. 427, supplemental to an act incorporating the Rushville steam mill company.

*Mr. Noel,*

No. 428, to provide a mode of ascertaining the number of deaf mutes in the state.

*Mr. Proffitt,*

No. 430, to legalize the acts of the county commissioners of Dubois county.

Mr. Thompson,  
No. 434, to amend an act concerning evidencce.

Mr. Williams,  
No. 436, to vacate a road in Morgan county.

Mr. Wilson of M.,  
No. 437, to amend an act therein named.

Mr. Blair,  
No. 440, to authorize the election of a justice of the peace in Vermillion county.

Mr. Chapman,  
No. 441, to amend the act regulating the jurisdiction of justices of the peace.

*Ordered,* That the Senate be informed thereof.

Mr. Lewis,  
No. 423, to amend the act incorporating congressional townships.

Mr. Owen,  
No. 429, relative to the Wabash and Erie canal lands.

Mr. Rose,  
No. 432, regulating the mode of working roads in Union county.

Mr. Cline,  
No. 442, to amend an act incorporating the Liverpool bridge company.

Were each read twice and ordered to be engrossed for a third reading on to-morrow.

Mr. Cutter,  
No. 405, to amend the act regulating prison bounds, which was,  
On motion of Mr. Kilgore, rejected.

Mr. Kinney,  
No. 420, to provide for a more efficient system of common schools;  
Read twice and referred to the committee on education.

Mr. Lee,  
No. 422, joint resolution in relation to the University fund;  
Same order.

Mr. McClure,  
No. 426, to incorporate the town of Laporte;  
Read twice and referred to the committee on corporations.

Mr. Reily,  
No. 431, making specific appropriations for 1839;  
Read twice and referred to the committee of the whole House, and  
the order of the day for to-morrow.

Mr. Healey,  
No. 411, relative to the Whitewater canal;  
Which was read, when,  
Mr. Kilgore moved to reject it;  
And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Arnold, Boon, Bright, Bryce, Champer, Chapman, Chiles, Graham, Gregory, Herriman, Hubbard, Hunt, Jackson, Kilgore, Lee, Lewis, Major, Marshall, Mason, Matson, McCormick, Milroy, Morrow, Nelson, Reily, Rose, Vance, Willey—29.

*Those who voted in the negative were*

Messrs. Albertson, Baker, Blair, Bowles, Brown, Bryant, Carr of J., Carr of L., Cline, Cogswell, Cooper, Cotton of P., Cotton of S., Dole, Earl, Eggleston, Field, Glass, Healey, Helmer, Hendricks, Hurst, Johnson of Marion, Johnston of Monroe, Jones, Judah, Kenton, Monroe, Morgan, Owen, Powell, Rush, Sands, Smydth, Spann, Stewart, Terrell, Thompson, Townsend, Truclock, Williams, Wilson of M., Wyman, and Mr. Speaker—44.

So said bill was not rejected, but passed to a second reading on to-morrow.

Mr. Stewart,

No. 433, defining and settling the boundaries between the counties of Clark and Floyd;

Read twice and referred to a select committee.

Mr. Wyman,

No. 438, to organize medical societies and to regulate the practice of physicians;

Which was read twice, and,

On motion of Mr. Bryce, laid on the table.

Mr. Arnold,

No. 439, to authorize the board of public works to use a state road therein named;

Which was read twice, and,

On motion of Mr. Dumont,

Referred to the committee on canals and internal improvements.

On motion, the House adjourned.

*Two o'clock, P. M.*

House met.

Mr. Johnson of Marion, introduced bill

No. 444, requiring the erection of a bridge over the Central canal.

Mr. Jones,

No. 445, to incorporate the Spencer county Working Man's Institute;

Both of which were read and passed to a second reading on to-morrow.

Mr. Milroy,  
No. 446, to provide for the repair of the Michigan road;  
Which was read three times and passed.

On motion of Mr. Bryce,  
*Resolved*, That this House will meet on each day during the remainder of the session at 8 o'clock, A. M.

Mr. Rose,  
No. 447, concerning bread stuffs;  
Which was read and, on motion of Mr. Bowles, rejected.

Mr. Thompson,  
No. 449, fixing the salary of the members of the Board of Internal Improvement;

Which was read twice;  
When Mr. Boon moved to amend by striking out \$1,500, and inserting in lieu thereof \$1,200.

Mr. Clymer called for a division of the question;  
When the question recurred on striking out \$1,500.  
The ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Arnold, Baker, Boon, Bowles, Brown, Bryce, Chapman, Chiles, Cooper, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dumont, Eggleston, Field, Glass, Gregory, Healey, Hunt, Johnson of Monroe, Jones, Judah, Lee, Lewis, Major, Milroy, Monroe, Morgan, Nelson, Noel, Parker, Powell, Reynolds, Reily, Rose, Rush, Sands, Townsend and Trulock—13.

*Those who voted in the negative were*

Messrs. Allison, Blair, Bright, Bryant, Carr of J., Carr of L., Cline, Clymer, Cogswell, Dole, Earl, Graham, Helmer, Hendricks, Herri- man, Hubbard, Hurst, Jackson, Johnson of Marion, Kenton, Kinney, Lane, Mason, Matson, McClure, Morrow, Owen, Puett, Spann, Stewart, Terrell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, and Wyman—38.

So \$1,500 was stricken out.

Mr. Bryant moved to fill the blank with \$1,600.  
And the ayes and noes being requested thereon.

*Those who voted in the affirmative were*

Messrs. Bryant, Cline, Hurst, McClure, Willey, Wilson of M., and Mr. Speaker—7.

*Those who voted in the negative were*

Messrs. Albertson, Allison, Arnold, Baker, Blair, Boon, Bowles,

Brown, Bryce, Carr of J., Carr of L., Chapman, Chiles, Clymer, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dole, Dumont, Earl, Eggleston, Field, Glass, Graham, Gregory, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kenton, Kinney, Lane, Lee, Lewis, Major, Mason, Matson, McCormick, Milroy, Monroe, Morrow, Morgan, Nelson, Noel, Owen, Parker, Powell, Puett, Reynolds, Reily, Rose, Rush, Sands, Smydth, Spann, Stewart, Terrell, Thompson, Townsend, Truelock Vance, Williams, Wines and Wyman—75.

So said blank was not so filled.

Mr. Truelock moved to reconsider the vote on striking out \$1,500. And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Alley, Allison, Blair, Bright, Bryant, Carr of J., Carr of L., Champer, Cline, Clymer, Cogswell, Cutter, Dole, Earl, Flint, Graham, Helmer, Herriman, Hubbard, Jackson, Jones, Kenton, Kilgore, Lane, Marshall, Mason, Matson, McClure, Noel, Owen, Parker, Perrine, Proffit, Puett, Smydth, Spann, Stewart, Terrell, Thompson, Truelock, Vance, Willey, Williams, Wilson of M., Wines, Wyman and Mr. Speaker—47.

*Those who voted in the negative were*

Messrs. Albertson, Arnold, Baker, Boon, Bowles, Brown, Bryce, Chapman, Chiles, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Dumont, Eggleston, Field, Glass, Gregory, Healey, Hendricks, Hunt, Hurst, Johnston of Marion, Johnston of Monroe, Judah, Kinney, Lee, Lewis, Major, McCormick, Milroy, Monroe, Morgan, Morrow, Nelson, Peaslee, Powell, Reynolds, Rose, Rush, Sands and Townsend—43.

So said vote was reconsidered.

The question then again recurred on striking out \$1,500.

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Arnold, Baker, Boon, Bowles, Brown, Bryce, Chapman, Chiles, Conaway, Cotton of P., Cotton of S., Devin, Dumont, Eggleston, Field, Glass, Gregory, Hendricks, Hunt, Johnson of Monroe, Judah, Lee, Lewis, Major, Marshall, Milroy, Monroe, Morgan, Morrow, Nelson, Peaslee, Reynolds, Rose, Rush, Sands and Townsend—37.

*Those who voted in the negative were*

Messrs. Allison, Bright, Bryant, Carr of J., Carr of L., Champer,

Cline, Clymer, Cogswell, Cooper, Cutter, Dole, Earl, Flint, Graham, Healey, Helmer, Herriman, Hubbard, Hurst, Jackson, Johnson of Marion, Jones, Kenton, Kilgore, Kinney, Lane, Marshall, Mason, Matson, McClure, McCormick, Noel, Owen, Parker, Powell, Proffit, Puett, Spann, Smydth, Stewart, Terrell, Thompson, Truelock, Vance, Willey, Williams, Wilson of M., Wines, Wyman and Mr. Speaker—57.

So said bill was not amended by striking out \$1,500.

Mr. Field moved to amend said bill by fixing the salary of Principal Engineer at \$2,500.

Mr. Flint moved to amend the amendment by saying \$3,000;

Which was lost.

The question then recurred on the amendment;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Arnold, Baker, Blair, Boon Bowles, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Cline, Clymer, Cogswell, Conaway, Cotton of P., Cotton of S., Devin, Dole, Eggleston, Field, Glass, Graham, Gregory, Helmer, Hendricks, Herriman, Hubbard, Hunt, Hurst, Johnson of Marion, Johnston of Monroe, Jackson, Jones, Judah, Kenton, Lane, Lee, Lewis, Major, Marshall, Mason, Matson, McClure, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Parker, Peaslee, Perine, Puett, Reynolds, Reily, Rush, Sands, Spann, Stewart, Terrell, Truelock, Willey, Williams, Wines and Wyman—69.

*And those who voted in the negative were*

Messrs. Champer, Chiles, Cooper, Cutter, Dumont, Earl, Flint, Healey, Kilgore, Kinney, McCormick, Owen, Proffitt, Rose, Smydth, Thompson, Townsend and Wilson of M.—18.

So said bill was amended.

The question then recurred on engrossment;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Allison, Arnold, Boon, Bowles, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Chiles, Clymer, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Earl, Field, Glass, Graham, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Johnson of Monroe, Jones, Judah, Kenton, Lane, Lee, Lewis, Major, Marshall, Mason, Matson, McClure, Milroy, Morgan, Morrow, Nelson, Noel, Owen, Parker, Peaslee, Perine, Powell, Puett, Reynolds, Rose, Rush, Sands, Spann, Stewart, Terrell, Truelock, Willey, Williams, Wines, and Wyman—68.

*Those who voted in the negative were*

Messrs. Alley, Baker, Blair, Champer, Cline, Dole, Dumont, Eggleston, Flint, Gregory, Hurst, Kilgore, Kinney, McCormick, Monroe, Proffitt, Smydth, Thompson, Townsend, Vance, Wilson of M., and Mr. Speaker.—22.

So said bill was ordered to be engrossed.

Mr. Proffitt moved to recommit said bill, with instructions to amend by allowing members of the legislature \$2 00 perday.

Mr. Dumont moved to amend by saying, \$1 50.

Mr. Smydth moved to lay instructions on the table.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Baker, Blair, Boon, Bowles, Bright, Brown, Bryant, Bryce, Carr of L., Chapman, Clymer, Cogswell, Cooper, Conaway, Cotton of S., Devin, Dole, Earl, Field, Glass, Graham, Gregory, Healey, Hendricks, Helmer, Herriman, Hubbard, Hurst, Jackson, Johnson of Marion, Judah, Kenton, Kinney, Lane, Lewis, Major, Marshall, Mason, Matson, McClure, McCormick, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Parker, Peaslee, Perine, Powell, Reynolds, Rose, Rush, Sands, Smydth, Spann, Stewart, Terrell, Truelock, Vance Willey, Williams, Wilson of M., Wines, and Wyman—66.

*Those who voted in the negative were*

Messrs. Alley, Allison, Arnold, Carr of J., Champer, Chiles, Cline, Cotton of P., Cutter, Dumont, Eggleston, Flint, Johnston of Monroe, Jones, Lee, Proffitt, Thompson, and Townsend—19.

So said motion and instructions were laid on the table.

Mr. Judah moved to read the bill a third time now,

The ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Arnold, Boon, Bowles, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Cline, Cogswell, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dole, Earl, Eggleston, Field, Glass, Helmer, Hendricks, Hurst, Johnson of Marion, Johnston of Monroe, Jones, Judah, Kenton, Lee, Lewis, Major, Marshall, Mason, Matson, McClure, Milroy, Morgan, Morrow, Nelson, Noel, Parker, Peaslee, Perine, Puett, Reynolds, Reily, Rose, Rush, Sands, Spann, Stewart, Terrell, Truelock, Willey, Williams, Wilson of M., and Wyman—61.

*Those who voted in the negative were*

Messrs. Baker, Blair, Bright, Champer, Chiles, Clymer, Cooper, Dumont, Flint, Graham, Healey, Herriman, Hubbard, Jackson, Kilgore, Kinney, Lane, McCormick, Owen, Proffitt, Smydth, Thompson, Townsend, Vance, and Wines—25.

So the rule was suspended.

Mr. Proffitt moved to recommit said bill to a select committee, with the following instructions:

To reduce the salaries of the several officers connected with the system of internal improvement in proportion to the reduction of the Principal Engineer's salary, by this bill made.

Mr. Lane moved the previous question, which was seconded.

The House also agreed to put the main question now, which was, Shall the bill pass?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Arnold, Baker, Boon, Bowles, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Cline, Clymer, Cogswell, Cooper, Cotton of P., Devin, Dole, Earl, Eggleston, Field, Glass, Gregory, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Jones, Judah, Kenton, Lane, Lee, Lewis, Major, Mason, Matson, Milroy, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Parker, Perine, Puett, Reynolds, Reily, Rose, Rush, Spann, Stewart, Terrell, Truelock, Willey, Williams, Wilson of M., Wines, and Wyman—66.

*Those who voted in the negative were*

Messrs. Blair, Champer, Chapman, Chiles, Conaway, Cotton of S., Cutter, Dumont, Flint, Graham, Kilgore, Kinney, Marshall, McClure, McCormick, Proffitt, Sands, Smydth, Thompson and Townsend—20.

So said bill passed.

*Ordered*, That the Senate be informed thereof.

Mr. Bright from the select committee, to which was referred bill

No. 365, pointing out the mode of levying taxes, and fixing the per centum for State purposes, reported the same back with sundry amendments.

Mr. Owen moved to concur in said report with an amendment.

Mr. Herriman moved the previous question, which was seconded by the House;

When the question was, Shall the main question be now put?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Arnold, Boon, Bowles, Bright, Brown, Carr of J., Carr of L., Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Cutter, Devin, Earl, Flint, Graham, Healey, Herriman, Hubbard, Hunt, Jackson, Johnston of Marion, Johnson of Monroe, Jones, Kenton, Kinney, Lane, Lee, Lewis, Marshall, Mason, Matson, McCormick, Morrow, Noel, Perine, Proffitt, Reynolds, Reily, Smydth, Spann Stewart, Terrell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—55.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Baker, Blair, Bryant, Bryce, Chapman, Conaway, Cotton of P., Cotton of S., Dolc, Dumont Eggleston, Field, Glass, Gregory, Helmer, Hendricks, Hurst, Judah, Major, McClure, Milroy, Monroe, Morgan, Nelson, Owen, Parker, Powell, Puett, Rose, Rush, Sands, Townsend, and Truelock—35.

So the House agreed to put the main question now, which was, Will the House concur in the report of the committee?

The ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Boon, Bright, Brown, Carr of L., Champer, Cline, Clymer, Cogswell, Cooper, Cutter, Devin, Dele, Earl, Flint, Graham, Healey, Helmer, Herriman, Hubbard, Hurst, Jackson, Johnston of Monroe, Kenton, Kinney, Lane, Lee, Major, Marshall, Mason, Matson, McClure, McCormick, Milroy, Morrow, Noel, Owen, Perine, Proffitt, Reynolds, Reily, Smydth, Spann, Stewart, Terrell, Thompson, Truelock, Vance, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—51.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Arnold, Baker, Blair, Bowles, Bryant, Bryce, Carr of J., Chapman, Chiles, Conaway, Cotton of P., Cotton of S., Dumont, Eggleston, Field, Glass, Hendricks, Hurst, Johnson, of Marion, Jones, Judah, Lewis, Morgan, Nelson, Parker, Powell, Puett, Rose, Rush, Sands, and Townsend—33.

So the House concurred in the report of the committee.

Mr. Boon moved to amend said bill, by inserting the word "five" after the word "thirty," and before any action had thereon,

On motion the House adjourned until eight o'clock, A. M.

TEUSDAY, FEBRUARY 12, 1839.

House met pursuant to adjournment:

The following message was received from the Senate, by Mr. Test, their Secretary:

MR. SPEAKER—

The Senate has passed an engrossed bill of the House

No. 335, entitled An act to incorporate the Western Mutual Life Insurance and Trust company; without amendment.

Also, the Senate has passed engrossed bills thereof as follows, viz:

No. 241, An act authorizing the appointing of assessors in the county of Orange; and,

No. 242, An act to incorporate the Bedford Band of Musicians; in which the concurrence of the House is respectfully requested.

Nos. 241, and 242, in said message mentioned, were each read three times and passed, the rule being suspended.

MR. SPEAKER—

The Senate recedes from their amendment to the bill of the House,

No. 262, entitled An act to incorporate the Anderson and Greenfield Turnpike company, so far as relates to the 21st and 22d sections of said bill, and concur in the amendments of the House to the amendments of the Senate to the bill aforesaid.

The Senate has also concurred in the amendments of the House to the amendments of the Senate to the bill of the House,

No. 26, entitled An act to provide for the election of a Justice of the Peace in Pleasantview, in Shelby county.

Also, the Senate has concurred in the amendment of the House to the bill of the Senate,

No. 183, entitled An act to locate a State road from South Bend to Lafayette.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 43, entitled An act amendatory of an act entitled An act relative to county boundaries, without amendment.

Also, the Senate has passed engrossed bills of the House as follows, viz:

No. 9, An act to amend an act entitled An act to incorporate the Jeffersonville Savings Institution, approved February 17, 1838.

No. 340, An act to incorporate the city of New Albany, and to repeal all laws in force incorporating the town of New Albany;

Each with amendments, in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills thereof, viz:

No. 64, An act to incorporate the Glenhope Manufacturing company; and,

No. 236, An act to amend an act entitled An act for the relief of the poor, approved February 17, 1838;

In which also the concurrence of the House is respectfully requested.

The House concurred in the amendments of the Senate made to bills

No. 9, and 340, in said messages mentioned.

Nos. 64, and 236, were each read and passed to a second reading on to-morrow.

Mr. Bryant moved to reconsider the vote taken on the indefinite postponement of bill

No. 182, to amend the act for the prevention of frauds and perjuries.

The motion to indefinitely postpone was then withdrawn.

The question then recurred on the engrossment of said bill;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Allison, Boon, Bowles, Bright, Brown, Bryant, Bryce, Chapman, Cline, Clymer, Cooper, Cotton of P., Dole, Dumont, Eggleston, Glass, Graham, Healey, Helmer, Hendricks, Herriman, Hubbard, Hunt, Hurst, Johnson of Marion, Jones, Judah, Kenton, Lane, Lee, Major, Marshall, Mason, McClure, McCormick, Monroe, Morgan, Morrow, Nelson, Noel, Owen, Peaslee, Puett, Reynolds, Rush, Spann, Stewart, Thompson, Vance, Willey, Wilson of M., Wines, Wyman, and Mr. Speaker—54.

*Those who voted in the negative were*

Messrs. Alley, Arnold, Baker, Blair, Carr of J., Carr of L., Chamber, Chiles, Conaway, Cotton of S., Devin, Earl, Flint, Gregory, Johnson of Monroe, Kilgore, Lewis, Matson, Powell, Riley, Rose, Sands, Smydth, Terrell, Townsend, Truelock, and Williams—25.

So said bill was ordered to be engrossed for a third reading.

On motion of Mr. Bright,

The previous orders of the day were dispensed with, and bill

No. 365, pointing out the mode of levying taxes and fixing the per centum for State purposes, was taken up;

When the question recurred on the pending motion made by Mr. Boon, to add the word "five" after the word "thirty."

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Arnold, Baker, Boon, Bowles, Brown, Carr of J., Glass, Gregory, Hubbard, Jackson, Johnson of Marion, Lewis, Marshall, Morrow, Nelson, Parker, Rose, Thompson, Wyman, and Mr. Speaker—21.

*Those who voted in the negative were*

Messrs. Alberison, Alley, Allison, Brenton, Bright, Bryant, Bryce, Carr of L., Champer, Chapman, Chiles, Cline, Clymer, Cogswell, Cooper, Conaway, Cotton of P., Cotton of S., Cutter, Devin, Dumont, Earl, Eggleston, Field, Flint, Graham, Healey, Helmer, Herriman, Hunt, Hurst, Jones, Judah, Kenton, Kinney, Lee, Major, Mason, Matson, McClure, McCormick, Milroy, Monroe, Morgan, Noel, Owen, Powell, Puett, Reynolds, Reily, Rush, Sands, Smydth, Stewart, Terrell, Townsend, Truelock, Vance, Williams, Wilson of M., and Wines—61.

So said amendment did not prevail.

Mr. Owen moved to amend said bill by striking out the 14th section, and inserting the following:

SEC. 24. That for the purposes of State Revenue for the year 1839, the board doing county business in the several counties in this State, shall, at the time hereafter named, fix the following per centum for said year, to be levied and collected on all property, real and personal, made taxable by this act, viz: At their May session in 1839, they shall, for State purposes, as aforesaid, fix the per centum on the hundred dollars of all real estate subject to taxation as hereinafter provided in this section, and shall fix the per centum at 20 cents on the hundred dollars of all personal property subject to taxation; and for the same purpose and at the same time levy and assess the sum of fifty cents on each able bodied male inhabitant between the ages of twenty-one and fifty years: *Provided, however,* That all lands lying within three miles of any railroad, McAdamized road or canal, embraced in the system of internal improvement, shall be taxed at the rate of fifty cents on every hundred dollars of the valuation of said lands; and all lands lying more than three miles and within six miles of any such public work aforesaid, shall be taxed at the rate of forty cents on every hundred dollars of the valuation of said lands; and all lands lying more than six miles and within nine miles of any such public works aforesaid, shall be taxed at the rate of thirty cents on every hundred dollars of the valuation of said lands, and all other lands subject to taxation shall be taxed at the rate of 20 cents on every one hundred dollars of the valuation of said lands: *Provided, nevertheless,* That the additional rate of taxation above 20 cents as aforesaid, shall not apply to the lands along such lines of said works upon which operations may not have yet been commenced, or may be suspended by

the Board of Internal Improvement, until the operations on said lines of works shall be commenced or resumed as the case may be. And in construing this provision, the Central canal north of Indianapolis shall be considered one line; and the Central canal south of Indianapolis shall be considered one line; and the Madison and Indianapolis rail road shall be considered one line; and the Madison and Crawfordsville road shall be considered one line; and the Crawfordsville and Lafayette road shall be considered one line; and each of the other roads or canals embraced in the general system of improvement shall be considered one line; and any quarter section of land or any smaller fraction shall not be liable to the increased rate of taxation, unless the same lie entirely within the distances above specified; and lands lying west of the Wabash river and between the mouth of Tippecanoe river and Terre Haute, shall not, (although lying within six miles of the extension of the Wabash and Erie canal,) be considered subject to a rate of taxation beyond thirty cents for every hundred dollars of the valuation of said lands: And at their May session of 1839, at the time of fixing the per cent. to be levied and collected at the time named in this section for State purposes, the several county boards shall, for purposes of county revenue, in like manner, fix any per centum by them deemed necessary on each one hundred dollars valuation of taxable property and such amount on each male inhabitant between the ages of twenty-one and fifty years, for the like purpose, as they may deem necessary; all of which amounts, both for State and county purposes, shall be levied and collected as provided for in this act.

Mr. Glass moved the following amendment which was adopted.

That on all town property in towns, at the commencement or termination of any of the public works, shall be charged the sum of one dollar on each hundred dollars of the valuation thereof, and on the property in towns between the intermediate points of any of the said works shall be charged a tax of seventy-five cents on the hundred dollars worth.

Mr. Stewart moved the following amendment: *Provided further*, That the lands within nine miles of the Ohio and Wabash rivers, shall be taxed as if said rivers were works of internal improvement.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Alley, Allison, Arnold, Bowles, Brenton, Bryant, Champer, Clymer, Cooper, Flint, Gregory, Healey, Herriman, Jackson, Johnson of Marion, Johnston of Monroe, Lane, Lee, Lewis, Marshall, Mason, Matson, McClure, McCornick, Monroe, Morgan, Proffitt, Reynolds, Reily, Rush, Smydth, Spann, Stewart, Thompson, Willey, Wilson of M., Wines, Wyman, and Mr. Speaker—37.

*Those who voted in the negative were*

Messrs. Albertson, Baker, Blair, Boon, Bright, Brown, Bryce, Carr of J., Carr of L., Chapman, Cline, Cogswell, Conaway, Cotton of P., Cotton of S., Cutter, Dole, Dumont, Earl, Eggleston, Field, Glass, Gregory, Helmer, Hendricks, Hubbard, Hurst, Judah, Kenton, Kinney, Major, Milroy, Morrow, Nelson, Noel, Owen, Peaslee, Powell, Puett, Rose, Sands, Terrell, Townsend, Truelock, Vance, Williams and Wilson of H.—47.

So said amendment did not prevail.

Mr. Kinney moved the following amendment.

That on the valuation of all lands within three miles of any canal, rail or McAdam road, there shall be assessed forty cents on the hundred dollars; and on all lands more than three and under six miles, thirty-seven cents on the hundred dollars valuation; and on lands lying over six and under ten miles, thirty-five cents on the hundred dollars; and lands lying within the distances above mentioned of the improvements at the Grand rapids of the Wabash shall be taxed as above stated.

Mr. Marshall moved the previous question;

Which was seconded by the House.

The question then recurred on putting the main question now;

And the ayes and noes being demanded,

*Those who voted in the affirmative were*

Messrs. Arnold, Blair, Boon, Brenton, Bright, Bryant, Bryce, Carr of L., Champer, Chiles, Cline, Clyner, Cogswell, Cooper, Cutter, Devin, Earl, Egbert, Flint, Graham, Gregory, Healey, Helmer, Heriman, Hubbard, Jackson, Johnson of Marion, Johnston of Monroe, Kenton, Lane, Lee, Marshall, Mason, Matson, McClure, Morrow, Noel, Proffitt, Reynolds, Reily, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Willey, Williams, Wilson of M. Wines, and Wyman, and Mr. Speaker—52.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Allison, Baker, Bowles, Brown, Carr of J., Chapman, Conaway, Cotton of P., Cotton of S., Dole, Dumont, Eggleston, Eldridge, Glass, Hendricks, Hurst, Jones, Kinney, Lewis, Major, McCormick, Milroy, Monroe, Morgan, Nelson, Owen, Parker, Peaslee, Powell, Puett, Rose, Rush, Sands, Townsend, Truelock, and Wilson of H.—38.

So it was agreed to put the main question now;

Which was, Shall the bill be engrossed?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Boon, Bright, Brown, Bryant, Bryce, Carr of L., Champer, Cline, Clymer, Cogswell, Cooper, Cutter, Devin, Earl, Egbert, Flint, Graham, Gregory, Healey, Helmer, Herriman, Hubbard, Jackson, Johnson of Marion, Johnson of Monroe, Kenton, Kinney, Lane, Lee, Lewis, Marshall, Mason, Matson, McClure, Morrow, Noel, Proffitt, Reynolds, Reily, Smydth, Spann, Stewart, Terrel, Thompson, Vance, Willey, Williams, Wilson, of M., Wines, Wyman, and Mr. Speaker—53.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Arnold, Baker, Blair, Bowles, Brenton, Carr of J., Chapman, Chiles, Conaway, Cotton of P., Cotton of S., Dole, Dumont, Eggleston, Eldridge, Glass, Hurst, Jones, Judah, Major, McCormick, Milroy, Monroe, Morgan, Nelson, Owen, Parker, Peaslee, Powell, Puett, Rose, Rush, Sands, Townsend, Truelock, and Wilson of H.—38.

So said bill was ordered to be engrossed.

Mr. Thompson moved to suspend the rule and read the bill a third time now;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Boon, Bright, Bryant, Brown, Bryce, Carr of L., Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Cutter, Devin, Earl, Egbert, Flint, Graham, Gregory, Healey, Helmer, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Johnston of Monroe, Kenton, Kinney, Lane, Lee, Lewis, Marshall, Mason, Matson, McClure, McCormick, Morrow, Noel, Perine, Proffitt, Reynolds, Reily, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—56.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Arnold, Baker, Blair, Boon, Brenton, Carr of J., Chapman, Conaway, Cotton of P., Cotton of S., Dole, Dumont, Eggleston, Eldridge, Glass, Hendricks, Hurst, Jones, Judah, Major, Milroy, Morgan, Nelson, Owen, Parker, Peaslee, Powell, Puett, Rose, Rush, Sands, Townsend, Truelock, and Wilson of H.—36.

So the rule of the House was suspended.

Mr. Owen moved to recommit said bill with the following instructions:

To refer it to a select committee, with instructions to insert a provision that all lands lying on any railroad, canal, or McAdam road

embraced in the general system of internal improvement on which operations are progressing, shall be taxed, if within three miles, at the rate of 40 cents on the hundred dollars; if within six miles and over three miles, at the rate of 37½ cents on the hundred dollars; if within ten miles and over six miles, at the rate of 35 cents; the same provisions to extend to lands within ten miles of the Grand rapids of the Wabash river.

Mr. Thompson moved to lay said motion and instructions on the table;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Arnold, Blair, Brenton, Bright, Bryant, Bryce, Carr of L., Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Cutter, Devin, Earl, Eldridge, Egbert, Flint, Graham, Gregory, Healey, Helmer, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Johnson of Monroe, Kenton, Lane, Lee, Marshall, Mason, Matson, McClure, McCormick, Monroe, Proffitt, Reynolds, Smydth, Spann, Stewart, Terrell, Thompson, Townsend, Vance, Willey, Williams, Wilson of M., Wyman, and Mr. Speaker—53.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Baker, Boon, Bowles, Brown, Carr of J., Chapman, Conaway, Cotton of P., Cotton of S., Dole, Dumont, Eggleston, Field, Glass, Hendricks, Hurst, Jones, Judah, Kinney, Lewis, Major, Milroy, Morrow, Morgan, Nelson, Noel, Owen, Peaslee, Perine, Powell, Puett, Reily, Rose, Rush, Sands, and Truelock—38.

So said motion and instructions were laid on the table.

The question then recurred on the passage of said bill;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Alley, Allison, Boon, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Champer, Cline, Clymer, Cogswell, Cooper, Cutter, Devin, Earl, Egbert, Flint, Graham, Gregory, Healey, Helmer, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Johnston of Monroe, Kenton, Kilgore, Kinney, Lane, Lee, Lewis, Marshall, Mason, Matson, McClure, McCormick, Morrow, Noel, Perine, Proffitt, Reynolds, Rush, Smydth, Spann, Stewart, Terrell, Thompson, Vance, Willey, Williams, Wilson of M., Wines, Wyman, and Mr. Speaker—59.

*Those who voted in the negative were*

Messrs. Albertson, Arnold, Baker, Blair, Bowles, Brenton, Chapman, Chiles, Conaway, Cotton of P., Cotton of S., Dole, Dumont,

Eldridge, Eggleston, Field, Glass, Hendricks, Hurst, Jones, Judah, Major, Milroy, Monroe, Morgan, Nelson, Owen, Parker, Peaslee, Powell, Puett, Reily, Rose, Sands, Townsend, Truelock, and Wilson of H., —37.

So said bill passed.

*Ordered*, That the Senate be informed thereof.

Mr. Morgan reports:

MR. SPEAKER—

The committee on enrolled bills have compared the engrossed bills with the enrolled bills, and find the following truly enrolled:

No. 419—A joint resolution relative to the Governor;

No. 95—A joint resolution on the subject of locating the northern end of the Central canal;

No. 211, to authorize the board of justices of Scott county to sell a part of the public square in the town of Lexington;

No. 43—An act amendatory to an act entitled An act relative to county boundaries;

No. 430—An act to legalize the acts of the county commissioners of Dubois county;

No. 334—An act amendatory of an act entitled An act relative to evidence, approved Feb. 17, 1838;

No. 228—An act providing for the increase of stock in the State Bank.

MR. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills of the Senate, with the enrolled bills and find the same truly enrolled, to-wit:

No. 57—An act to locate a state road from Muncietown to Camden;

No. 95—An act to provide for the relocation of the seat of justice of Scott county;

No. 132—An act to locate a state road from New Albany in Floyd county to Charlestown in Clark county;

No. 133—An act to amend an act incorporating congressional townships and providing for public schools therein, approved Feb. 17, 1838;

No. 135—An act to amend an act entitled An act to enable the School Commissioners of the several counties of this state to correct the returns of collectors, approved Feb. 1, 1846;

No. 140—An act to vacate part of a state road in the county of Wayne;

No. 141—An act to legalize the proceedings of the President and Trustees of the Morgan county seminary;

No. 143—An act to change the mode of electing members of the board doing county business in Perry county;

No. 147—An act concerning a road in Porter and Lake counties;

No. 149—An act to relocate a part of the Greenfield and Franklin state road;

No. 150—An act supplemental to an act entitled An act to amend an act entitled An act to incorporate the town of Princeton, approved Dec. 20, 1838;

No. 153—An act to repeal an act entitled An act relative to taverns and tavern keepers in Vermillion county;

No. 160—An act to amend an act entitled An act to amend an act entitled An act to incorporate the Michigan city, approved Feb. 8, 1836.

No. 176—A joint resolution relative to the 3 per cent. fund on lands in this state sold at Cincinnati;

No. 183—An act to locate a state road from South Bend to Lafayette;

No. 186—An act amendatory of an act entitled An act providing a more uniform mode of doing township business in the several counties therein named, approved Feb. 17, 1838;

No. 191—An act authorizing the election of an additional justice of the peace in Hamilton county.

MR. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills of the House with the enrolled bills, and find the same correctly enrolled to-wit:

No. 311—An act to incorporate the Dalton steam mill, manufacturing and trading company.

The following message was received from the Governor by John M. Wallace his Secretary.

MR. SPEAKER—

I am directed to inform the House of Representatives that His Excellency the Governor has approved and signed the following bills, viz:

No. 30—An act to authorize Samuel Olmstead to build a mill dam on Pigeon creek;

No. 164—An act to authorize a State road from Spencer in Owen county to Anguilla in the county of Clay;

No. 174—An act to extend the corporation limits of Rising Sun in Dearborn county;

No. 342—An act to incorporate the Columbus and Driftwood bridge company;

No. 59—An act to locate a State road in Green county;

No. 322—An act to authorize an additional justice of the peace in Jackson township in Fountain county;

No. 99—An act to revive and amend an act entitled An act to incorporate the town of Perrysville in Vermillion county, approved January 29th, 1831;

No. 153—An act relative to injury done to public works by the freshet of January 1838;

No. 327—A joint resolution of the General Assembly of Indiana for the relief of Wm. Perdue;

No. 376—An act to provide for the election of an additional justice of the peace in the county of Kosciusko;

No. 282—An act relative to an additional justice of the peace in Plummer township in Green county;

No. 352—An act to amend an act entitled An act to incorporate the Michigan city, approved February 8th, 1836;

No. 358—An act attaching the county of Newton to the county of White, and for other purposes;

No. 86—An act to amend an act entitled An act regulating marriages, Approved February 17th, 1838;

No. 97—An act vacating the Albany and Burlington State road in Delaware county;

No. 85—An act for the relief of Edward Gird, late collector of Shelby county;

No. 69—An act authorizing an additional justice of the peace in Clark township in Montgomery county and Vigo township in Knox county;

No. 87—An act to amend an act entitled An act to incorporate the Eel river bridge company, approved February 6th, 1837;

No. 195—An act to amend an act entitled An act relative to county boundaries, approved February 17th, 1838, so far as concerns the counties of Porter, Lake and Newton;

No. 355—A joint resolution on the subject of the Erie and Michigan canal;

No. 346—An act to change the name of Isaac Smith, brother of John L. Smith, late of Crawford county;

No. 190—An act to amend the act entitled An act relative to county boundaries, approved February 17, 1838;

No. 150—An act to incorporate the Indiana Mechanics Institute;

No. 200—An act to revive an act entitled An act to amend an act for the relief of those persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed in the court house at Lawrenceburgh on the sixth day of March 1826, approved January 11th, 1827;

No. 268—An act to appropriate the three per cent. fund in Fountain county;

No. 103—An act to legalize the acts of Wesley Parke, and for other purposes;

No. 292—A joint resolution concerning standing committees;

No. 93—An act to legalize the name of Nathan Walden;

No. 68—An act relative to a side cut canal opposite the town of Clinton;

No. 53—An act for the improvement of Little Raccoon creek in Parke county;

On motion the House adjourned.

*Two o'clock, P. M.*

House met,

Mr. Boon, (on leave) presented the memorial of John Wood and others, praying for the loan of a sum of money from the State for the purpose of establishing a horticultural warehouse;

Which was read and referred to the committee on agriculture.

Mr. Monroe, (on leave) introduced bill

No. 451, supplemental to the act fixing the time of holding courts;

Which was read three times and passed.

*Ordered*, That the Senate be informed thereof.

The House now went into the orders of the day and took up bills on their third reading;

When the following bills were read a third time and passed.

No. 259, to amend the act incorporating the Lafayette and Danville railroad company;

No. 286, to build a bridge across the Kankakee;

No. 83, (Senate) to amend the act concerning county boundaries;

No. 105, to incorporate the Hancock Guards;

No. 190, to incorporate the town of Aurora;

No. 299, (House) to incorporate the Indianapolis, Rushville, and Brookville turnpike company;

No. 396, to incorporate the Morgantown and Greenfield turnpike company;

No. 16, (Senate) to incorporate the Richmond and Boston turnpike company;

No. 131, to incorporate the Grand Lodge of Odd Fellows;

No. 185, to incorporate the New Albany and Georgetown turnpike company;

No. 202, to amend the act incorporating the city of Logansport;

No. 138, to establish a State road therein named;

No. 125, to amend an act concerning school districts in Dearborn county;

No. 395, (House) to provide for the distribution of 3 per cent. fund in Dearborn county;

No. 175, relative to the practice in circuit courts;

No. 395, to authorize the boards doing county business to sell real estate in certain cases;

No. 377, to incorporate the Terre Haute and Spencer McAdam turnpike company;

No. 357, to incorporate the Shelbyville and Blue river railroad company;

No. 356, to extend privileges to the Salem Savings Institution;

No. 367, relating to the State House and for other purposes;

No. 124, to amend the acts incorporating the Connersville and Fort Wayne Savings Institution and Insurance companies;

No. 173, A joint resolution authorizing the Secretary of the State to do an act therein named;

- No. 55, (Senate) to locate a State road therein named;  
 No. 351, (House) for the relief of J. H. McMacken and Elias Murry;  
 No. 171, A joint resolution of the Senate in relation to the ninth judicial circuit;  
 No. 152, to incorporate the Bloomington road;  
 No. 372, (House) to provide for the sale of a school section in Lake county;  
 No. 364, to grant the right of way to Illinois to connect the northern cross rail road with the Wabash and Erie Canal at Williamsport;  
 No. 362, to extend the provisions of an act to Noble and Lagrange counties;  
 No. 165, (Senate) to provide for the election of a justice of the peace in Boon county;  
 No. 129, to amend the act incorporating county libraries;  
 No. 361, to incorporate Congressional townships and to provide for schools;  
 No. 363, to attach certain territory to counties therein named, and for other purposes;  
 No. 289, authoring trustees of meeting houses, masonic lodges, &c. to make deeds to property in certain cases;  
 No. 324, to incorporate the city of Fort Wayne;  
 No. 234, to repeal an act appropriating 3 per cent. fund in Jasper county;  
 No. 370, to provide for the election of a justice of the peace in Vigo county;  
 No. 32, (Senate,) to amend an act concerning county boundaries;  
 No. 108, to authorize the location of a State road from Allisonville to Fall creek;  
 No. 70, to incorporate the Indiana Medical Institute;  
 No. 227, (House,) to incorporate the Vevay Steam Mill and Manufacturing company;  
 No. 223, to amend the estray law;  
 No. 244, to change the name of Ceylon to Andersonville;  
 No. 246, to legalize the acts of the board of commissioners of Jasper county.  
 No. 243, to amend an act concerning a state road from Charlestown to Salem;  
 No. 253, to locate a state road from the Ohio line to Newport in Wayne county;  
 No. 263, to incorporate the Laurel Trading and Manufacturing company;  
 No. 266, for the relief of Benoni P. Downes;  
 No. 91, of the Senate, to legalize the proceedings of the commissioners of Whitley county;  
 No. 52, declaring a certain name a misprint;  
 No. 125, to amend the act regulating probate courts;

No. 35, to extend the jurisdiction of justices of the peace to fifty dollars in trespass;

No. 39, for the benefit of John K. Walsh, collector of Clark county;

No. 103, for the protection of the Madison and Lafayette railroad company;

No. 379, to change the time of holding probate court in Delaware county;

No. 242, to locate a state road in Dearborn county;

No. 275, joint resolution on the subject of the Lawrenceburgh and Indianapolis Railroad company;

No. 134 of the Senate, relative to the improvement of the Great St. Joseph river;

No. 274 of the House, to legalize the acts of Jane Owen, administratrix of Samuel Owen, deceased;

No. 279, for the relief of William Port;

No. 298, for the relief of John Miller and wife;

No. 329, joint resolution on the subject of divorces;

No. 326, relative to the boundaries between the counties of Spencer and Warrick;

No. 323, for the relief of Jonathan Legg;

No. 333, relative to the election of a justice of the peace in Clay county;

No. 334, to create the office of Private Secretary to the Governor;

No. 343, to relocate a state road from Rockville in Covington;

No. 345, memorial and joint resolution on the subject of the Navigation of Lake Michigan.

No. 296, to amend the act organizing circuit courts;

No. 312, to legalize certain acts in Martin county;

No. 308, to regulate the jurisdiction of justices of the peace in Putnam county;

No. 261, to incorporate the New Harmony Working Man's Institute;

No. 180, to incorporate the Hagerstown and Winchester turnpike company;

No. 236, to incorporate the Tippecanoe and Monticello Bridge company;

No. 160, concerning crime and punishment;

No. 219, to reduce the Board of Fund Commissioners;

No. 232, to authorize the sale of the Union county seminary;

No. 350, to amend the act establishing the State University;

No. 423, to amend the act incorporating congressional townships and providing for schools therein;

No. 442, to amend the act incorporating the Liverpool Bridge company;

No. 283, to organize the county of Pulaski, and to locate the seat of justice thereof;

No. 432, to regulate the mode of working roads and highways in Union county;

No. 429, in relation to the Wabash and Erie canal lands; [E]

No. 184 of the Senate, to incorporate the Greencastle Savings Institution,

Was referred to a select committee of Messrs. Townsend, Chiles, and Flint.

Mr. Brenton introduced bill,

No. 452, to amend an act concerning the duties of sheriffs and coroners;

Which was read a third time and passed.

Mr. Milroy introduced bill,

No. 453, making an appropriation for the Michigan road;

Read and passed to a second reading.

Mr. Truelock introduced bill,

No. 454, to locate a state road in Scott, Clarke, and Floyd counties;

Which was read a first and second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Bright, from a select committee, reported bill

No. 48, to provide for the collection of the state and county revenues, with an amendment, in which the House concurred;

When said bill was read twice and ordered to be engrossed for a third reading on to-morrow.

Mr. Wyman introduced a bill,

No. 455, to change the location of section 81 on the northern end of the Central canal;

Which was read and passed to a second reading on to-morrow.

No. 382, relative to the town of Jeffersonville,

Was read a third time, and the question being Shall it pass?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Baker, Boon, Brown, Bryce, Champer, Cogswell, Cooper, Conaway, Cotton of S., Cutter, Devin, Dumont, Eldridge, Flint, Herriman, Hunt, Kenton, McCormick, Monroc, Nelson, Owen, Parker, Perine Powell, Puett, Rush, Sands, Smydth, Terrell, Thompson, Willey, Williams, Wilson of H., Wilson of M., Wines, and Mr. Speaker—39.

*Those who voted in the negative were*

Messrs. Arnold, Bowles, Bright, Bryant, Carr of J., Carr of L., Chapman, Cotton of P., Eggleston, Field, Glass, Graham, Gregory, Healey, Helmer, Hendricks, Hubbard, Hurst, Jackson, Johnston of Monroe, Judah, Kinney, Lane, Lee, Lewis, Major, Mason, Matson, McClure, Milroy, Morgan, Morrow, Reynolds, Reily, Rose, Spann, Stewart, Townsend and Wyman—39.

So said bill did not pass.

Mr. Mason moved to reconsider the vote on the passage of said bill;

Which prevailed; when,

Mr. Hurst moved to recommit it to a select committee;  
Which was not agreed to.  
The question then recurred on the passage of said bill;  
And the ayes and noes being requested thereon.

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Baker, Blair, Bryce, Champer, Clymer, Cogswell, Cooper, Conaway, Cotton of S., Cutter, Earl, Egbert, Eldridge, Glass, Herriman, Johnson of Marion, Kenton, Marshall, Mason, McCormick, Monroe, Nelson, Noel, Owen, Parker, Peaslee, Perine, Proffitt, Puett, Reynolds, Rush, Sands, Smydth, Terrell, Thompson, Vance, Willey, Williams, Wilson of H., Wilson of M., and Mr. Speaker—44.

*Those who voted in the negative were*

Messrs. Arnold, Boon, Bowles, Bright, Brown, Bryant, Carr of J., Carr of L., Chapman, Cline, Cotton of P., Devin, Dumont, Eggleston, Field, Graham, Gregory, Healey, Helmer, Hendricks, Hubbard, Hurst, Jackson, Johnson of Monroe, Judah, Kinney, Lee, Lewis, Major, Matson, McClure, Milroy, Morgan, Morrow, Reily, Spann, Stewart, Townsend, and Wyman—35.

So said bill passed.

*Ordered*, That the Senate be informed thereof.

No. 368, for the encouragement of agriculture, and the improvement of the breed of cattle, was read; when,

Mr. Gregory moved to refer it to a select committee, with instructions to strike out 6 per cent. and insert 8.

And the ayes and noes being requested thereon.

*Those who voted in the affirmative were*

Messrs. Arnold, Baker, Boon, Brown, Chapman, Cutter, Dumont, Flint, Gregory, Helmer, Hendricks, Major, McNary, Milroy, Monroe, Nelson, Peaslee, Powell, Townsend, Wilson of M., and Wines, 19.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Allison, Bowles, Brenton, Bright, Bryant, Bryce, Carr of J., Carr of L., Chiles, Cline, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Earl, Egbert, Eggleston, Eldridge, Field, Healey, Herriman, Hubbard, Hurst, Jackson, Johnson of Monroe, Jones, Judah, Kenton, Kinney, Lee, Lewis, Marshall, Mason, Matson, McClure, McCormick, Morgan, Morrow, Noel, Parker, Perine, Proffitt, Puett, Reynolds, Riley, Rose, Rush, Sands, Smydth, Spann, Terrell, Thompson, Truelock, Vance, Willey, Williams, Wilson of H., Wyman, and Mr. Speaker—60.

So said bill was not so referred.

The question was then taken on the passage of said bill.  
And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Allison, Blair, Brenton, Bright, Bryant, Bryce, Carr of L., Carr of J., Champer, Cogswell, Cooper, Cotton of P., Cotton of S. Devin, Earl, Egbert, Eggleston, Eldridge, Field, Graham, Healey, Hendricks, Herriman, Hubbard, Jackson, Johnson of Monroe, Jones, Kenton, Kinney, Lewis, Marshall, Mason, Matson, McClure, McCormick, Morgan, Morrow, Noel, Parker, Perine, Proffitt, Puett, Reily, Rose, Smydth, Stewart, Terrell, Thompson, Truelock, Vance, Willey, Williams, Wilson of H., Wines, Wyman, and Mr. Speaker—57.

*Those who voted in the negative were*

Messrs. Alley, Arnold, Baker, Boon, Brown, Chapman, Cline, Cutter, Flint, Gregory, Helmer, Lee, Major, McNary, Monroe, Nelson, Peaslee, Powell, Townsend, and Wilson of M.—18.

So said bill passed.

*Ordered*, That the Senate be informed thereof.

No. 388, to amend the act incorporating the Warsaw Manufacturing company, was,

On motion of Mr. Perine, referred to the judiciary committee.

No. 389, for the relief of William Sheets, was,

On motion of Mr. Bowles, laid on the table.

Mr. Smydth, from a select committee, reports:

MR. SPEAKER—

The select committee on the unfinished business of the last session, and to which was referred resolutions of the House instructing said committee to inquire into the causes of the delay of the public printing for the year 1838, and to employ some competent and disinterested individuals to measure all the work done for the State for the year 1838, by the public printers, to ascertain the amount the same is reasonably worth; and the amount the public printers have received for the same, and report the result of such investigation to the House; have had the same under consideration, and directed me to

## REPORT:

That of the unfinished business of the last session of the General Assembly, there remains none of an important character but has been again brought before the legislature for consideration.

For the purpose of ascertaining the causes of the delay of the pub-

lic printing, your committee has examined a number of witnesses, the testimony of whom is herewith submitted.

In pursuance of the instructions of the House, requiring your committee to employ some competent and disinterested individuals to measure the work done by the public printers for the State for the year 1838, to ascertain what the same is worth, and the amount actually paid the printers for the same, your committee succeeded in employing Messrs. David V. Culley and William Hannaman, practical printers and gentlemen of the highest respectability, to undertake that arduous and responsible duty; whose report of their investigation is hereunto appended, and marked A.

Your committee know of no safer course to arrive at correct conclusions, so far as the manner in which the work is executed, the amount it is worth, and the amount paid for the same, than to make the report of those gentlemen the basis of the report of your committee on those subjects.

By reference to the report of Messrs. Culley and Hannaman, it will be observed that they addressed notes to Messrs. Douglass & Noel and to Messrs. Bolton & Livingston, requesting them to furnish copies of all the work done for the State for the year 1838.

Messrs. Douglass & Noel responded to the call by furnishing copies of all the work done by them for the year '38, consisting of the following items, to-wit:

1st, Senate Journal for the session of 1837-38.

2d, Local Laws passed the same session.

3d, Documents and Reports to the Senate.

4th, Laws relative to Surplus Revenue.

5th, Laws relative to Schools in Clark's Grant.

6th, Revised Code.

7th, School Law in pamphlet form.

8th, Road Law in do do.

9th, Semi-Weekly Journal (newspaper) to Legislature.

10th, List of standing committees.

11th, Ayes and noes.

12th, Folding and stitching.

In the account charged by Messrs Douglass & Noel, Messrs. Culley and Hannaman discovered two errors.

The first to the amount of \$200, which in the language of those gentlemen, "occurred in a simple mathematical calculation, easy to be seen, requiring no mechanical skill to detect," and they say "that it is but fair to suppose that it was made unintentionally." And your committee would remark that the error escaped the notice of the Secretary of State, whose duty it is to examine and certify to the correctness of the accounts of the public printers.\* The second error was discovered in the amount charged for newspapers furnished the legislature at its last session, amounting to the sum of \$84; but Messrs. Culley and Hannaman made their estimate at the rate of \$1 00 per each num-

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\* See Special Laws of 1831, page 91, section 75.

ber of the Indiana Journal furnished the legislature during the session, and as, from evidence herewith submitted, a contract was entered into between Messrs. Douglass & Noel, and the Sergeant-at-arms of House and of the Senate, that the rate of the annual subscription price should be paid for the papers, and as the session was considerably longer than any previous session, the apparent discrepancy is easily accounted for between the estimate of Messrs. Culley and Hannaman and the account of Messrs. Douglass & Noel.

Your committee, as before remarked, have examined considerable testimony on the subject of the delay of the public printing done by Messrs. Douglass & Noel, and have ascertained beyond a doubt that much delay was occasioned by the extremely awkward and blundering manner in which the laws were enrolled; indeed so badly was the enrolling done, that recurrence was repeatedly had as a matter of necessity to the enrolled copies for the purpose of ascertaining what the law really was. By testimony herewith submitted, it will be seen that in the opinion of Messrs. Douglass Maguire and D. V. Culley, practical printers, the time allowed Douglass & Noel to complete the public printing was insufficient to execute so large an amount of work as was placed in their hands by the legislature. It will also be seen that the Secretary of State furnished (through inadvertence no doubt) the same copies of the laws to the public printers after they had been once printed, and that, before the mistake was discovered, they were sometimes set up in type to be reprinted, and of course the type would have to be distributed when the mistake was discovered, which must have very materially increased the delay. The Secretary himself states that but one instance occurred where he sent the same copies to the printers after they had been once printed, but Mr. Douglass says it was *frequently* done and Mr. Dougherty, a printer who worked in the office of Messrs. Douglass & Noel, says that as many as seventy bills were sent at one time to the office which had already been printed.

As to the joint resolution fixing the time at which the public printing should be done, your committee are inclined to the opinion, that it is not binding, inasmuch as Messrs. Douglass & Noel had been elected public printers some time before its adoption, and as they as one of the contracting parties, had no voice in its passage, of course they were not bound by it, unless in accordance with the *spirit* of the contract. In accepting the appointment as public printers, however, your committee think there was an *implied* understanding that they should comply with every reasonable requisition; they would of course be bound to publish the laws in a reasonable time. As before remarked, your committee think, from the testimony, that the time was too short, and as the enrolling was so badly done, the same copies furnished more than once, to which may be added the unusual sickness of the season, your committee would recommend that the forfeiture be waived by the state until the first of August; that the error of \$200, in the account of Messrs. Douglass & Noel, be corrected; and that the amount reserved by the Secretary of State, as a forfeiture

up to that time, be placed to their credit in the specific appropriation bill of the present session of the legislature.

For the correctness of the above conclusions, your committee refer you to evidence contained in documents No. 1, 2, 3, 5 and 6, hereto appended.

To the note of Messrs. Culley and Hannaman, requesting copies of all the work done for the state for 1838, Messrs. Bolton & Livingston responded by furnishing copies of two of the fourteen items which they had printed for the State, viz: the Documents furnished to the House, (41 in number,) and the Documentary and Regular Journals of the House of Representatives; no copies of the bills, &c., &c., printed for the use of the House, having been preserved by them, as they alledged, as will be more fully seen by reference to the report of Messrs. Culley and Hannaman.

In the item which includes the documents furnished the House, (41 in number,) those gentlemen report, that Messrs. Bolton & Livingston have overcharged the State to the amount of \$106 88 cents. This overcharge is accounted for on the ground that they charged more than once for composition, and the improper "driving out," of some documents, which were made to count eight pages, instead of counting four pages as they should have done, and more figure, rule and figure work, was charged for them than they contained.

In the Documentary Journal, Messrs. Culley and Hannaman report, that Messrs. Bolton & Livingston have overcharged the State to the amount of \$394 40 cents. This overcharge is accounted for mainly, on the same ground as the overcharge above alluded to. It is remarked, in the report of Messrs. Culley and Hannaman, that "a resolution of the House of the 29th Dec., 1837, direct the printers to print on all orders of the House, of documents, an extra amount of 300 copies for a Documentary Journal. Considering that the printers followed the instructions given, we excluded from our calculation of the composition, in the documentary journal, all matter set up *after* the date of the resolution; which, as it was *all charged*, shows a variation in the bill of the sum of \$394 40 cents;" which proves beyond a doubt that the resolution of the House was disregarded; and hence the reason the bill of Messrs. Bolton & Livingston amounts for that item to so much more than it should have done.

In the estimate for the regular journal of the House, Messrs. Culley and Hannaman, report, that Messrs. Bolton and Livingston have overcharged the State to the amount of \$276 90 cents. "This disparity," (say those gentlemen) "arises mainly in calculating the text of the Journal at 621 pages, believing, from an average estimate of many pages that it does not contain more, properly arranged." The journal itself purports to contain 870 pages, including the index, and 826 without it; nearly one-fourth more than should have been charged for. The reason the journal purports to contain so much more than it does, is in consequence of the fact that matter is not near so closely set up as it should have been, and is improperly blanked, and made to ap-

pear much larger than it really is, contrary to all precedent in this State.

Your committee would here remark, that there is something singular in the fact, that in printing the *ayes* and *noes* in the Journal, they are printed as other solid matter, as has been customary heretofore in this state, until about the time Messrs. Bolton and Livingston were superseded as printers to the House; and your committee have been unable to find a single instance, after that period, that the ayes and noes are not set up in *columns*; thereby very materially increasing the amount of blanking, and of course the number of pages over the original and correct method of executing that kind of work.

In the account of Messrs. Bolton and Livingston against the state, for newspapers furnished the legislature last session, Messrs. Culley and Hannaman have reported an error or overcharge, to the amount of \$147 75 cents. From the evidence, your committee can account for a part of the error; that is so much as is accounted for as an overcharge in the account of Messrs. Douglass and Noel; but as the subscription price for both papers is the same, your committee can see no good reason why Messrs. Bolton and Livingston should be paid more for their papers than Messrs. Douglass and Noel; and allowing both offices the same price, there would then be a deduction from the account of Messrs. Bolton and Livingston of \$63 75. .

After allowing those gentlemen \$84, or more than the estimate of Messrs. Culley and Hannaman, for newspapers, there would then be a deduction from the items they have examined, in the sum of \$861 18 cents, which has been paid to Messrs. Bolton and Livingston, and is that much more than they are entitled to receive.

How much, or whether any more, would have been deducted from the account of Messrs Bolton and Livingston, had the copies of the other items of printing done by them been furnished for examination to disinterested individuals, is unknown to your committee, and any opinion is sedulously reserved where your committee have not satisfactory testimony upon which to base their views.

Your committee believe that the sum of \$861 18 cents is too much for the state to lose; and as Messrs. Bolton and Livingston have been amply paid for all the work done by them, your committee recommend that the accompanying joint resolution be passed, authorizing and making it the duty of the Secretary of State to demand from Messrs. Bolton and Livingston the sum of eight hundred and sixty-one dollars and eighteen cents, the amount they have overcharged the state, for the work done by them for the year 1833; and in case they refuse to refund the same, to commence suit for the same in the Marion circuit court against the next term thereof.

Your committee would further remark, that had the Secretary of State properly examined and measured the work done by the public printers before certifying to the correctness of their accounts, there would have been no more money paid out of the Treasury than should have been.

For the correctness of the above conclusions, your committee refer you to the accompanying documents, marked number 7, 8, 9, and 10.

INDIANAPOLIS, Jan. 28, 1839:

SIR:—You will be pleased to lay the accompanying report on the subject of *printing* before the committee of which you are chairman. Any information or explanation in reference to the subject of the report will be cheerfully given, if desired.

Very respectfully,

Your obed't serv'ts,

DAVID V. CULLEY,  
WM. HANNAMAN,

JOHN BRYCE, Esq.,  
*Ch. Com. on public printing.*

A.

*Report of Messrs. David V. Culley and Wm. Hannaman.*

*To the Select Committee on the unfinished business and subject of the Public Printing, of the House of Representatives:*

GENTLEMEN:

In discharge of the duties assigned to us, under instructions from your body, to inquire into and report the value of the public printing done for the state in 1837-'38, we addressed notes to Messrs. Douglass and Noel, and to Messrs. Livingston and Bolton, requesting them to furnish copies, or the best evidence they could, of the work executed by each as public printers for the session of 1837-'38. The first named gentlemen responded to the call by furnishing copies of nearly all the work done by them for the Senate; and the latter named gentlemen, by furnishing the Regular and Documentary Journal of the House only—no copies, as they alleged, having been preserved of the separate Documents, Bills, &c., printed for the use of the House. With this data, and the bills rendered, and on file in the Auditor's office we commenced the examination; and first with reference to the account of Messrs. *Douglass and Noel*, printers to the Senate: The items in their Bill are,—

1st. Senate Journal, 1,530,520 ms, at 62½ per 1000, is	\$956 57½
Press-work on same, 225 tokens, at 62½ per token	140 62½
2d. Local Laws, 754,444 ms, at 62½ per 1000, is	471 52½
Press-work on same, 180 tokens, at 62½, is	112 50
4d. Documents and Reports printed for use of the Senate, (38 in number,) 972,270 ms, at 62½ per 1000,	607 66½
Presswork on same, 202½ tokens, at 62½ per token,	126 56½
4th. Law relating to Surplus Revenue, 7,304 ms, at 62½ per 1000	4 56
Presswork on same, 2 tokens, 62½ per token,	1 25
5th. School Law in Clark's Grant, 24,128 ms, 62½ per 1000,	15 08
Press-work on same, 2 tokens, 62½ per token,	1 25
6th. Revised Code, 1,434,208 ms, at 62½ per 1000,	896 38
Press-work on same, 1,680 tokens, at 62½ per token	1,050 00
7th. School Law, 119,072 ms, at 62½ per 1000,	74 42
Press-work on same, 120 tokens, at 62½ per token,	75 00
8th. Road Law, 32,000 ms, at 62½ per 1000	20 00
Press-work on same, 40 tokens, at 62½ per token,	25 00
9th. Semi-weekly Journal (newspaper),	874 00
10th. List Standing Committees, 100 copies,	6 00
11th. Ayes and Noes, 1000 do	15 00
12th. Folding and Stitching Documents,	71 37½

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Whole amount of bill rendered \$5,544 78½

Aggregate of ms in the above, from No. 1 to 8,  
inclusive, 4,873,946, at 62½ per 1000, \$3 046 22

Aggregate of tokens press-work on same, 2,451½  
at 62½ per token, 1,532 18½

Add amount of items, No. 9, to 12, as above 966 37½

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Corresponding to above amount, \$5,544 78½

In prosecuting the examination of the items in the above bill, from No. 1 to 8, inclusive, no material variation was discovered from the amount charged and our calculations, save in the press work. The aggregate shows, as the bill did, that 2451½ tokens were printed; and on this the calculation is made at 62½ cts. per token, and carried out \$1,732 18½ cts.—two hundred dollars *more* than the true amount. As the error occurred in a simple mathematical calculation, easily seen, requiring no mechanical skill to detect, it is fair to suppose it was made unintentionally.

It is considered proper to remark here, that all the Documents and Reports, included in item No. 3, printed separately for the use of the Senate, appear in the Journal, excepting two, (Messrs. Wylie and Baldwin's addresses,) and are charged accordingly. How many, or if any of these documents were printed from the *same* form for the use of the Senate and inserted in the Journal, we have been unable to ascertain; but if any, it would seem proper in our opinion, that full composition should not be allowed on them twice, inasmuch as they

were only set up once. The same remark is applicable, we conceive, to items Nos. 5, 7, and 8. If these laws were printed from the *same* form, set up in the regular printing of the Revised Code and Local Laws, merely by increasing the press work on the forms in which they appeared, it appears reasonable that a deduction should be made in the composition as calculated on them separately. We make these remarks with a view of directing attention to them. The calculations as to the amount of composition in each item can easily be made, should it be necessary.

In the item or charge No. 9, (for newspapers,) we make an excess of \$84, estimating (as subscribers are charged) the five copies furnished twice a week to each member, &c. during the session, at \$5, thus: the number of members in both Houses, (officers, clerks, and door keepers included) is 158; this sum multiplied by five, gives \$790; eighty-four dollars *less*, as may be seen, than is charged in the bill. A different mode of calculation has, of course, been used in making it out, grounded, perhaps on some contract or understanding; but as no evidence was adduced to us warranting the charge, we deem it proper to report the matter for examination.

The balance of the account (from No. 10 to 12, inclusive) is reported in the terms of the bill, without variation or remark.

Having now gone through the bill of Messrs. Douglass & Noel, the result of the examination may be given thus:

Amount of their bill as rendered,	\$5,744 78½
Deduct for error in calculation,	\$200 00
do. for excess in charge for newspapers, allowing our calculation to be correct,	84 00
	<hr/> 284 00
Leaving, as corrected,	\$5,460 78½
On which they have drawn	5,124 78½

Leaving in the Treasury	\$336 00
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retained for forfeiture in not completing the public printing in the time allowed by law.

*Account of Messrs. Bolton & Livingston, late Printers to the House of Representatives, is composed of the following items:*

- |  |          |
|--|----------|
| 1st. Documents and Reports printed for use of the House, (41 in number,) making, agreeably to our calculation, 1,057,667 ms, at 62½ cents per 1000,                          | \$661 04 |
| Press work on same, 317 tokens, at 62½ cents per token   | 198 12½  |
| 2d. Documentary Journal, excluding from calculation matter set up after the adoption of Resolution of 29th Dec., (page 159 House Journal,) 438,394 ms, at 62½ cents per 1000 | 273 99   |
| Press work on same, 125 tokens, at 62½ cts. per token  | 78 12½   |
| 3d. Regular Journal, deducting from the 828 pages of   |          |

text one fourth, or 207 pages, for improper blanking of matter, leaving 621; to which add 77½ pages index, 13 do. for figure, and 29 for rule and figure, making in all 740½ pages, which multiplied by 1560, gives 1,155,180 ms, at 62½ cents per 1000, is

721 98

Press work on same, 332 tokens, at 62½ per token

207 50

4th. Catalogue of Books, 25 pages figure \$41 04

5th. Order of business, standing committees 3 21

6th. Press work on broadside to above 93

7th. Ayes and noes printed 3 times, and press work, 19 91

68 09

8th. Order of Business and Rules, and 10 bills printed for House, containing in all 365,040 ms, at 62½ per 1000

228 15

9th. Press work on same, 74 tokens, broadside, at 93½ per token, is

69 39½

10th. Newspapers furnished members, 775 for 11 weeks, twice a week is 17,050, and 5½ cents each, is

937 75

11th. Publishing law respecting holding courts in the 5th circuit, Feb. 16—6 squares

3 00

12th. Publishing law respecting Coms. of Kosciusko county, Jan. 19—7 squares

3 50

13th. Rules and Regulations for State Library, 1500 Nos.

2 00

14th. Reprinting 1st form Annual Report Board Internal Improvement

9 04

Total amount of bill as calculated

\$3,461 66

Aggregate of ms in the above, from No. 1, to 3, inclusive, 2,651,241, at 62½ cts. per 1000 is \$1,657 01

Aggregate of tokens in same, 774, at 62½ per token, is 483 75

Add amount of items from No. 4 to 14, inclusive, as above 1,320 90

\$3,461 66

Corresponding to above amount.

We deem it proper here to observe that, in the examination of the items or charges comprising the above account, we have had much difficulty in determining the precise amount of work on which the calculations, in justice to the State and the printers, ought to be made; and hence, as the items Nos. 1, 2, and 3 include the heavy part of the work, on which the reductions have been made, it may not be amiss to notice each, more fully than above:—

The first item (No. 1,) includes the *Documents and Reports*, printed separately for the use of the House, (41 in number.) These were examined with care—many times twice, (as the same work often appeared in the bill of Douglass & Noel;) and the result is a reduction

on the bill rendered, the sum of \$106 88. This variation arises mainly in over charges on composition. Some documents having been improperly blanked to count eight pages instead of four, and more figure, rule and figure work counted than they contained.

The remark made upon item No. 3, in Douglass & Noel's bill, for printing *Documents and Reports*, we consider applicable, and desire may be applied to the above, and therefore ask a reference to it.

The 2d item (No. 2,) comprises what is called the *Documentary Journal*. In estimating the value of work upon it, we were induced to make a considerable reduction, and for this reason mainly:—A resolution of the House of the 29th Dec. 1837, (to which we would refer you,) directs the printers to print, on all orders of the House of Representatives, an over number of 300 copies for a documentary journal. Considering that the printers followed the instructions given, we excluded from our calculation of the composition in the *Documentary Journal* all matter set up *after* the date of the resolution; which, as it was all charged, shows a variation from the bill the sum of 394 40. The press work on the same is not varied from the amount in the bill.

The 3d item (No. 3,) is composed of the regular *Journal of the House*. In this our calculation falls below the amount charged in the bill, the sum of \$276 90. This disparity arises, mainly in calculating the text matter of the *Journal* at 621 pages—believing from an average estimate of many pages, that it does not contain more, properly arranged. For the probable truth of this calculation, we ask a reference to the *Journal* itself.

To the item No. 10, (for newspapers,) we would apply the remark, as in the bill of Messrs. Douglass & Noel. In the items above, this one is carried out in the terms of the bill of Messrs. Bolton & Livingston, at \$937 75. At our estimate, alluded to, it amounts to 790—less than the amount charged the sum of \$147 75.

The balance of the items in the account, Nos. 4, 5, 6, 7, 8, 9, 11, 12, 13, and 14, are given in the terms of the bill, without variation, as no copies or evidence was adduced to us by which to estimate their correctness.

Having now closed the examination of Messrs. Livingston and Bolton's account for printing, the result may be given thus:

Amount of bill rendered, certified and paid	\$4,239 84
From which deduct, as per calculations above,	
on No. 1, 2, and 3, - - - - -	\$778 18
Deduct excess of charge on newspapers, allowing our calculation to be correct - .	147 75
	<hr/>
Total of reduction - - - - -	\$925 03
	<hr/>
	925 93

Which, taken from the sum rendered, will leave 3,313 91

Shewing an overpayment to Messrs. Livingston and Bolton, agreeably to our calculation, of \$925 93.

In closing this report, we would observe, that however much the calculations on the bills submitted vary from the amount charged, and, as a consequence, however much the accuracy of the estimates may be questioned, yet for ourselves we can honestly say, we have endeavoured to do justice in the premises; and shall regard it as no impeachment of our integrity or mechanical skill, if the parties interested ask that their bills be submitted to other and abler (not more disinterested) judges.

Very respectfully submitted,

DAVID V. CULLEY,  
WM. HANNAMAN,

Indianapolis, January 28, 1839.

## DOCUMENT No. 1.

### *Evidence of John Douglass.*

The following communication to the committee from Mr. Douglass was sworn to.

GENTLEMEN—As a committee of the House of Representatives To inquire into the causes of delay in the publication of the laws of Indiana, as authorized by the last General Assembly &c., I claim the liberty of laying before you some facts, which it is important to understand to arrive at a correct understanding of the matter.

Every law whether general or local in its character, was carefully printed in its place according to the arrangement or classification adopted by the Secretary of State.

The local laws were printed first. The printing of which was commenced immediately after the adjournment of the legislature, and was prosecuted with as little delay as possible, considering the wretchedly defective condition of the copy as placed in our hands; which is believed to have been merely *literal* transcripts from the enrolled copies on file in the Secretary's office, with such interpolations or alterations only as the reading would seem to suggest, as necessary to the sense. It was soon found, however, on comparing the proof sheets with the enrolled copies that they were too defective to rely upon as being the law, as designed and enacted by the legislature, consequently resort was had to the engrossed copies. For such was their defectiveness that the sense was often rendered obscure by wrong words being substituted for the right ones, and even the meaning of whole sections was occasionally vitiated by an omission of the enrolling copyist, of an important word or words. To save the state therefore from disgrace, and her citizens from the mortification and injury consequent upon the publication of a mere budget of blunders, we had, in a great many instances, to compare proof sheets first, as it was conceived our duty to do, with the enrolled, and afterwards with the engrossed copy, in order to be satisfied that all was right as far as we

were capable of determining from the face of the records. This additional labor, as a matter of course, caused the consumption of much time in the examination of the *matter* before the forms could be put to press with safety. Added to all this, the punctuation of the copy furnished to print from, as may easily be seen, was not less incomplete than the other parts of which we have already spoken. This also imposed additional labor and tended to procrastinate the work. The hands employed on the public printing, like most of the other citizens of this place, were not exempt from the diseases which prevailed our town and country during the past summer. Had we given double price, it is doubtful whether the places of those who happened to fall sick could have been readily supplied, owing to the fearful reports which spread in every direction with regard to the prevalence of disease at this place. Even persons who were regarded as well, from the relaxing and prostrating state of the atmosphere could perform little more than half the ordinary quantity of labor. To this cause alone much of the delay is truly and fairly attributable in the publication of the laws.

Respectfully,  
JOHN DOUGLASS.

## No. 2.

### *Examination of Mr. John Douglass before the committee.*

*Question 1st, by the committee.* Does the written communication, addressed to the committee marked No. 1, contain the true reasons of the delay in printing the laws of the last session of the General Assembly of the State of Indiana?

*Answer.* I believe the causes as set forth were material in causing delay in the publication of the laws.

*Question 2d.* Did the public printers of the laws print any copies of the laws for their own use, and if so, what number, and who furnished the paper?

*Answer.* We printed between two and five hundred copies over the number to be printed per order of the legislature. This number of copies was to be printed on our own paper. If any was used belonging to the state it was to be made good to the State whenever the number of our copies should be fully ascertained.

*Question 3d.* Do you know of the printer to the House charging the state twice for the same job?

*Answer.* From my own personal knowledge I do not—common rumor says it has been done.

*Question 4th.* Did you dispose of any copies of the revised laws prior to the completion of your contract with the state?

*Answer.* We did not.

*Question 5th.* At what time did you commence the printing of the laws of the last session?

*Answer.* The special laws were commenced immediately after the adjournment, and the revised code or general laws about the first of April.

*Question 6th.* At what time were they completed and ready for distribution?

*Answer.* The printing of the laws was completed on or prior to the 15th of September.

*Question 7th.* What number of hands and presses did you use and work in your office?

*Answer.* We ran two presses constantly, and occasionally three with an ample supply of compositors on the public printing to keep those presses constantly running.

*Question 8th.* At what time did sickness commence among the persons employed on the public printing.

*Answer.* There was occasional cases of sickness among the hands, but no very serious ones, occasioning any great amount of lost time until the setting in of the sickly season.

### DOCUMENT No. 3.

#### *Evidence of S. V. B. Noel.*

1st. State the reason the laws were not printed according to contract?

*Answer.* We employed a sufficient number of hands to run two presses constantly on the Revised Code, and if they had remained in good health they would have been enabled to have completed the work within nearly the time; provided there had been no correcting the proof sheets and consequently delay in getting the forms ready for press. During the excessively warm weather of last summer one of the pressmen for some weeks was unable to do full work, and at length entirely failed. We accidentally, however, were enabled to procure another to fill his place a short time after; after which we proceeded with all possible speed to a completion of the work. It may be proper to state that some considerable delay was occasioned on account of the blundering manner in which many of the bills were enrolled. This was the cause of much time being lost in correcting the proof sheets.

*Question 2.* Could not other persons be had in the place of the hands you state to have been unwell in your employ while the work was progressing?

*Answer.* It was possible, but hardly probable, that other hands could have been procured in Cincinnati. They could not in any event have been procured in less than two or three weeks. In that time how-

ever, we procured another hand, and the others recovered so as to progress as rapidly as any other hands we could have procured.

*Question 3.* Were the hands employed in printing the laws, also employed in the ordinary business of the office, if so, what portion of their time was so employed?

*Answer.* They were not.

*Question 4th.* Did you commence the public printing immediately after the legislature rose, and prosecute the work diligently until completed?

*Answer.* We did.

*Question 5th.* How is it that your charge for papers furnished the legislature last session, amounts to \$84 more than the amount reported by Messrs. Culley and Hannaman?

*Answer.* Ever since the legislature resolved to take a certain number of the Indiana Journal the charge has been so many cents per No. and not \$1 00 as charged subscribers. The Sergeants-at-Arms always refused to pay the regular price and would only pay the advance price. Last session was the first that the price amounted to \$1, and if it had been the usual length our charge would have been less than that sum. Messrs. Culley and Hannaman charged at the rate of \$1 00 to each member and their officers per copy, and we charged a fraction less than 5 cents for each No. of the paper furnished as above, which will account for the discrepancy in our statements. Our charge was made per agreement with the Sergeant-at-Arms of both Houses.

## DOCUMENT, No. 4.

### *Evidence of John Dougherty.*

*Question 1st.* What was the cause of the delay of the public printing for the year 1838?

*Answer.* The first cause for delay in the printing of the local Acts, was the way in which the copies of the acts were sent to the printers. frequently the same acts which had been printed were again sent to the printers, and *very frequently* set up in type before it was discovered: this occurred very often; I think as high a number as seventy was sent at one time which had all been printed before—these occurrences occasioned some considerable delay—the preparation of the copy for the Revised Code was worse, if possible, as the matter had to be frequently altered after put in type—there was some delay by sickness also.

*Question 2d.* Could additional assistance have been had by the public printers, and if so, could the work have been done within the time prescribed by law?

*Answer.* It is probable some additional assistance could have been had, but as all the presses were kept constantly running on the laws,

there could be no more hands set to work on it; consequently the work could not have been done within the time prescribed by law.

*Question 3d.* If the laws had been properly enrolled do you believe the public printing could have been done within the time prescribed?

*Answer.* That amount could not have been done unless additional presses and other materials had been obtained for the express purpose of printing the Code.

*Question 4th.* Were not the hands dismissed in the spring, and was not the work delayed from that fact?

*Answer.* It was not, as there was still as many hands retained as could be employed on that work.

*Question 5th.* What was the state of health amongst the hands in the office, prior to the first of August last?

*Answer.* I believe that there was not much sickness prior to that time.

*Question 6th.* Are the preparations of the office of the Indiana Journal such as you believe the public printing required? How is that office in point of force compared with the other offices in this place? And do you believe the work was vigorously prosecuted?

*Answer.* The preparation of that office, I believe to be such as to execute all ordinary work ordered by the Senate. As to the force they employed, I believe it has generally been sufficient. The work was prosecuted, I think, as vigorously as could be under existing circumstances. I cannot say how that office will compare with other offices—they had force enough to employ their materials.

*Question 7th.* Is it not usual when large extra jobs are undertaken, to be performed by a given time, to increase the preparations to complete the same, beyond what is necessary to execute the ordinary printing of the office, and was this done in the present case?

*Answer.* I believe it is usual to make extra preparation for large works, I believe they had made no other preparation, than they had made for doing the public work on other occasions.

## DOCUMENT No. 5.

### *Evidence of Douglass Maguire.*

*Question 1st.* Was the time given by the legislature (120 days) sufficient in your opinion to accomplish the printing of the laws of the State legislature, if not, what time would have been sufficient?

*Answer.* I think, considering the great amount of work required to be done at the Journal office, during the last season, that the time was rather too short. For the printing required in ordinary years it is longer time than is necessary.

*Evidence of D. V. Culley.*

*Question.* Will you reply to the question proposed to Mr. Maguire?

*Answer.* With the ordinary materials employed in a newspaper of five, I would suppose the printing in the Revised Code could not be completed in the time allowed by law.

## DOCUMENT No. 6.

*Evidence of William J. Brown.*

*Question 1st.* What general laws were left out of the revision?

*Answer.* The revenue law was omitted. The reasons that influenced the Treasurer and myself were these: the old law of 1831 was never repealed except by implication. The law of 1835 adopting the ad valorem system of taxation only provides for the mode of assessing the revenue, and the object thereof, leaving the law of 1831, in force as to the collection of the same, so that the revenue law as now in force is scattered through the various years from 1831 up to this time so that it could not be collected and published without inserting a mass of matter that had not since been repealed and would have presented a law with contradictory provisions from beginning to end; it would have taken up at least fifty pages, with at least one half null and void, calculated to mislead the public. The law relative to congressional districts was also left out; on examination, it was found that the principal part of the northern counties had never been attached to any district, so that it could not be published without leaving those counties out of the law.

We were induced to leave out the old law relative to the Wabash and Erie canal, as the greater portion was repealed by the passage of the internal improvement law, and in its provisions is so interwoven with the present system that it is difficult to tell what is in force, and what repealed.

*Question 2d.* State, if you know the reasons, why the laws were not printed and distributed according to contract?

*Answer.* I am not a professional printer, and am not capable of answering that question as well as I could wish. Messrs. Douglass & Noel, printers to the Senate, commenced printing the Code about the 15th of April and completed it about the middle of September; two presses were constantly employed, but whether the printing could have been completed by the same number of hands in a less time, I am not able to say. The laws were badly enrolled, which caused some delay in proof-reading. The delay with the binders, I am satisfied was unavoidable—they were required to perform their work at a time of unusual sickness, when it was impossible to procure hands. Messrs. Jennison & Slater completed their contract within a few days of the time allowed them by their contract. Messrs. Stacy & Williams were

a few days later, but in justice to them I feel bound to say that for a portion of the time both of them were sick.

*Question 3d.* State, if you know, whether different copies of the same act were sent to the public printers, and if so, in how many instances, and what delay was occasioned from this cause.

*Answer.* In printing the Local Laws there were two copies of a certain road law sent to the printers by mistake, as there were several bills of the same title, this was discovered when the proof sheets were examined, and I directed Mr. Noel to have them taken out and distributed, which was done accordingly. The matter I am confident did not exceed two pages, and could not have occupied more than a day by one hand; this was the only instance.

*Question 4th.* Did you attend to comparing and reading the proof sheets?

*Answer.* Either myself or my clerk, Mr. Chamberlain did.

*Question 5th.* What delay was occasioned by the bad condition of the enrolled bills?

*Answer.* I cannot exactly tell—it must have been considerable, as many of the bills were unintelligible, and badly enrolled, and some of them the sheets were transposed in putting them together—probably ten days or more.

*Question 6th.* Did you examine the accounts of the printers?

*Answer.* I did. The account of Messrs. Bolton and Livingston was made out by Mr. Pattison, a printer in Messrs. Bolton and Livingston's office. This account in the whole, included items of printing which was not done under my direction as Secretary of State, but under the direction of the House or the clerks. I was, therefore left at a loss in certifying the accounts and had only to be governed by the documents shown me, and to take the printers' calculation. Under the law, the account of Messrs. Douglass and Noel were examined either by me or Mr. Chamberlain in my presence, I do not recollect which. How the error in calculation escaped our notice, I cannot tell. I allowed no accounts but for documents which I was informed were set up separately, or as Mr. Pattison informed me, were charged according to the rules of printers.

## DOCUMENT No. 7.

### *Evidence of George Pattison.*

*Question, by Mr. Bolton.* State whether you made out the account of Bolton and Livingston. Whether from your knowledge of printing and the views of printers with whom you have conversed, and the views of the Indianapolis Typographical society, as expressed by a resolution of that body, you did not believe the charges were such as ought to be allowed?

*Answer.* I made out the account of Bolton and Livingston for public printing for the session of 1837–38. Neither Mr. Bolton nor Mr.

Livingston gave me much assistance in making the necessary calculations. They left this matter entirely to me, except that Mr. Bolton told me how the state should be charged for the Indiana Democrat. In making an estimate of the Documentary Journal, I mentioned to Mr. Livingston that part of the account might be made according to the rules of printers, by two modes of calculation, and the result of either would be nearly the same, and to the best of my recollection, he told me to make it out in whichever way would be most favorable to the state. If I recollect rightly, I told the Secretary of State that the measurement was correct, and that I would be willing to submit to the decision of a committee of printers. At a typographical meeting held the year previous, a resolution was passed condemnatory of some practices considered innovations in the manner of measuring printed matter introduced by the officers of State. In making out the account, I guarded against these innovations, and made out the account, according to the best of my knowledge, correct.

## DOCUMENT No. 8.

### *Evidence of Mr. Bolton.*

*Question 1st.* Did the Secretary of State, or any authorized agent, give direction how the public printing should be done?

*Answer.* No. The printing was executed without any directions, and, with the exception of placing the ayes and noes in columns, the former journals of the House were the criterion for our journeymen. The ayes and noes were mostly in a smaller type, and without additional charge for the difference of the size of type, and were so set up on account of the great number of them, as we supposed the difference in the size of the type would be a good offset to the increase in the work.

*Question 2d.* In executing the public printing of the session 1837-38 did you adopt the rule that is generally adopted by public printers in printing the Bills and Journals?

*Answer.* I do not know the rule usually adopted by public printers. We were governed in the execution of the work, by the manner in which the printing of the House had heretofore been executed.

*Question 3d.* Who examined your printing account and certified to its correctness?

*Answer.* The account, as I understood, contained the certificate of the Secretary of State. I do not know the precise nature of the certificate; not having examined it. The account will show this.

*Question 5th.* How is it that your charge for newspapers furnished the Legislature last session, amounts to \$146 75 more than the amount reported by Messrs. Culley and Hannaman?

*Answer.* The charge we made was five cents and a half per copy. Our paper was mammoth or double medium size, and having separately to envelope each number, we thought this charge correct.

## DOCUMENT No. 9.

*Evidence of David V. Culley.*

**Question 1st, by Mr. Livingston.** On the supposition that the Journal of the House had been printed as it ought to have been, would the charge of the printers in that case, be correct?

**Answer.** No calculation of the pages was made, and cannot answer the question understandingly.

**Question 2d, by Committee.** In your examination did you observe that in any case, in either office, that composition had been charged for more than once?

**Answer.** This question is fully answered in our report on Documentary Journal (No. 2,) in Livingston and Bolton's account.

**Question 3d, by Mr. Livingston.** Have you made an estimate of the ems and tokens in the Journal of the House for the session of 1837-38?

**Answer.** Mr. Hannaman and myself examined the House Journal, and did also make an estimate of its contents, both as to *ems and tokens*, as will be seen by our report.

**Question 4th, by Mr. Livingston.** How many ems and tokens are in the Journal of the House, as it is printed.

**Answer.** The Journal, from an examination made by Mr. Hannaman and myself, contains 828 pages in text, and which, allowing each page to contain the number of *ems and tokens* it ought, would make in the whole an aggregate of *ems* corresponding to the account of Messrs. Bolton & Livingston; as would the tokens of press-work on the same.

**Question 5th, by Mr. Livingston.** Is the account rendered against the State by Bolton & Livingston, for printing the Journal, correct; provided the work had been done in a proper manner, for the number of pages estimated?

**Answer.** No: because if work on the Journal had been printed according to rule, it would not make so many pages, nor press work: and hence would not amount to the bill charged. Had the work been done rightly, and then made the number of pages it does, it would of course be correct as I have answered above.

**Question 6th, by Mr. Livingston.** Will the Journal of the House not measure as many *ems* and tokens as are charged for?

**Answer.** It will not; and for the reasons given in our report.

**Question 7th, by Mr. Livingston.** Had the Journal been printed under the direction of a public officer, and had he directed it to be printed as it is, is the charge correct?

**Answer.** If the Journal was printed under the supervision of some officer or authorized agent, and executed under his direction in manner and form as it is, in that case I think the printers have discharged their duty, and should not be chargeable with any imperfections in the work.

## DOCUMENT No. 10.

Brief submitted by John Livingston for consideration of the committee.

*To the Committee on Unfinished Business:*

JANUARY 30, 1839.

These positions are submitted, believing them to be correct, to the consideration of the committee.

1st. That the printing for the House is to be done under the direction of the House.

2d. That no directions were given by the Secretary of the House.

3d. That in the absence of directions, Messrs. Bolton & Livingston had a legal right to do the printing in a manner to be determined by themselves.

4th. That no one has a right to make any objections to the manner in which the printing was done, inasmuch as Bolton & Livingston were left free to do it according to their own views.

5th. That had directions been given, and those directions not been followed, then Bolton & Livingston would have been censurable for not following the directions given.

6th. That the Secretary of State is not censurable, inasmuch as he had no control over the printing of the House.

7th. That it was the duty of the Secretary of State to allow the accounts as made out, and receive the printing as done.

8th. That inasmuch as the printing was received by the State, and no deductions made at the time, it is now too late to make any deductions for the manner in which the printing was done.

9th. That the sub-committee, Messrs. Culley and Hannaman, erred in making out the account as they did:

1st. Because it was not their province to decide upon the manner in which the work was done.

2d. Because they did not make an estimate of the number of ems and tokens.

3d. Because they ought to have made out the whole number of ems and the whole number of tokens, stating how much printing was actually done and the amount.

4th. Because they made out their estimate upon the work, not as it was done, but as in their opinion, it ought to have been done.

5th. Because Bolton & Livingston had a better right to decide the manner in which the work should be done than Culley and Hannaman.

6th. For these reasons, I contend that the committee ought to instruct Messrs. Culley and Hannaman to withdraw that part of their report referring to the account of Bolton & Livingston, and be instructed to make a new report, in which they shall make an estimate of

the whole number of ems and the whole number of tokens in the Journal of the House, the Documentary Journal, and the bills and reports and other printing ordered to be done by the House, and if the subcommittee believe it to be in their province to give their opinion upon the manner in which the printing should be done, that then they should be at liberty to do so, and in giving their opinion they should say for what amount, less than the amount charged, the work could have been done.

10th. That the committee cannot censure Bolton and Livingston for the manner in which the work is done, inasmuch as there is no law directing the manner in which the printing should be done; and inasmuch as no directions were given by the Secretary of the House, and inasmuch as Bolton & Livingston were left at liberty without any directions, to do the printing as they thought proper.

11th. That the committee in alluding to the manner in which the printing was done can only allude to it for the purpose of suggesting some way in directing some person to superintend the public printing to prevent a like occurrence in the future.

Respectfully,

J. LIVINGSTON.

Which was read and 500 copies ordered to be printed.

No. 455, on the subject of public printing done for the year 1838;

Which was read three times and passed,

The rule being suspended on motion of Mr. Bowles.

The following message was received from the Senate by Mr. Test, their Secretary.

Mr. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House, as follows, viz:

No. 436, An act to vacate a State road in Morgan county;

No. 427, An act supplemental to an act entitled An act to incorporate the Rushville Steam-mill company, approved January 27, 1839;

No. 428, An act to provide for ascertaining the number of deaf mutes in the State;

No. 441, An act to amend an act regulating the jurisdiction and duties of Justices of the peace;

No. 443, An act to amend an act therein named;

No. 440, An act authorizing an additional justice of the peace in the county of Vermillion; and

No. 421, An act to legalize certain proceedings of the board of commissioners of Vanderburgh county;

Each without amendment.

Also, the Senate has passed engrossed bills of the House, as follows, viz:

No. 159, An act to provide for public printing, and for the distribution of the laws and journals;

No. 288, An act to incorporate the Orange county female seminary;

Each with amendments in which the concurrence of the House is respectfully requested.

Also the Senate has passed engrossed bills thereof as follows:

No. 93, An act providing means for the completion of the bridge over White river on the Michigan road;

No. 203, An act more particularly defining the western and southern boundaries of the county of Scott;

No. 211, An act making it penal to cast the bodies of dead animals in water courses;

In which also, the concurrence of the House is respectfully requested.

The House concurred in the amendment of the Senate to bill

No. 159, in said message mentioned.

The House also concurred in the first amendment to No. 288, and refused to concur in the remainder.

No. 93 and 211 were read and passed to a second reading on tomorrow.

No. 288 was read twice and referred to a select committee of Messrs. Field, Truelock and Parker.

On motion, the House adjourned.

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### WEDNESDAY, FEBRUARY 13, 1839.

House met pursuant to adjournment.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the Senate

No. 139, entitled a bill to regulate taverns and groceries,

In which the concurrence of the House of Representatives is respectfully requested.

Said bill was read, when Mr. Cutter moved to reject it.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Baker, Bowles, Bryce, Carr of J., Carr of L., Cline, Clymer, Cutter, Dole, Egbert, Glass, Hurst, Johnson of Marion,

Jones, Kenton, Lane, Lee, Major, McCormick, Monroe, Noel, Parker, Puett, Rush, Spann, Stewart, Truelock, Wilson of H.—28.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Allison, Arnold, Blair, Boon Brenton, Bright, Brown, Bryant, Chapman, Cooper, Conaway, Cotton of P., Cotton of S., Devin, Dumont, Earl, Eggleston, Eldridge, Field, Graham, Gregory, Healey, Helmer, Hendricks, Hubbard, Hunt, Jackson, Johnston of Monroe, Judah, Kinney, Lewis, Mason, Matson, McClure, Morgan, Morrow, Nelson, Owen, Peaslee, Powell, Rcily, Rose, Sands, Terrell, Thompson, Vance, Willey, Wines, and Wyman—52.

So said bill was not rejected.

On motion of Mr. Bowles, said bill was laid on the table.

The following additional message was received from the Senate by Mr. Test, their secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills thereof as follows, viz:

No. 71, An act to locate a State road from the Fort Wayne State road in Decatur county to Hartsville in Bartholomew county;

No. 107, An act to incorporate the town of Pendleton in the county of Madison;

No. 210, An act to revive and amend an act to incorporate the town of Bethlehem in Clarke county, approved February 6, 1837;

No. 212, An act for the relief Clinton C. Owens;

No. 213, An act in relation to heating the State House by rarified air;

No. 216, An act for the relief Thomas Strong; and

No. 218, An act to locate a State road in Wayne county;

In which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills of the House as follows, viz:

No. 282 An act relative to an additional justice of the peace in Plummer township, Greene county;

No. 281, An act to amend the acts relative to the town of Evansville;

No. 276, An act to provide for the election of an additional justice of the peace in the county of Kosciusko;

No. 200, An act to revive an act entitled An act for the benefit of those persons who have and are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire on the morning of the 6th of March, 1826, approved January 11, 1827;

No. 195, An act to amend an act entitled An act relative to county boundaries, approved February 17, 1838, so far as the counties of Porter, Lake, and Newton are concerned;

No. 190, An act to amend an act entitled An act relative to county boundaries, approved February 17, 1838;

No. 185, An act to amend an act entitled An act to regulate the mode of doing county business in the several counties in this State, approved February 17, 1838.

Nos. 107, 210, 218, in said message mentioned were each read and passed to a second reading on to-morrow;

Nos. 71, 212, 213, and 216, were each read three times and passed, the rule being dispensed with.

The following additional message was received from the Senate by Mr. Test, their secretary;

**MR. SPEAKER—**

The Senate has passed engrossed bills of the House, entitled as follows:

No. 37, An act to amend the act entitled An act authorizing the appointments of pilots at the Falls of the Ohio in this State, approved February 7, 1825;

No. 387, An act to authorize Samuel Patterson to build a toll bridge;

Each with amendments, in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills thereof, as follows, viz:

No. 250, An act for the benefit of certain owners of lots in the town of Jeffersonville;

No. 232, An act to amend an act entitled An act authorizing the sale of certain school lands therein named, and for other purposes, approved January 1, 1838; and

No. 233, An act for the formation of a school district in Monroe county;

In which, also, the concurrence of the House is respectfully requested.

The House concurred in the amendments of the Senate made to bills

No. 37 and 378, in said message mentioned.

No. 230, was read three times and passed;

No. 232, was read twice and passed to a third reading;

No. 233, was read and passed to a second reading on to-morrow.

The following additional message was received from the Senate by Mr. Test, their secretary.

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House as follows, viz:

No. 44, An act for the relief of John Shelly;

No. 68, An act relative to a side cut canal opposite the town of Clinton;

No. 53, An act for the improvement of Little Raccoon creek in Parke county;

No 70, an act to repeal an act entitled An act to attach a part of township No. 19, north of range No. 4, east to township No. 19, north of range No. 5 east, and for other purposes;

No. 69, An act to authorize an additional justice of the peace in Montgomery county and Knox county;

No. 85, An act for the relief of Edward Gird, late collector of Shelby county;

No. 95, An act to legalize the name of Nathan Walden;

No. 97, An act vacating the Albany and Burlington State road in Delaware county;

No. 105, An act relative to a State road in the counties of War-  
rick and Spencer;

No. 86, An act entitled An act regulating marriages, approved February 17, 1838.

No. 84, An act to regulate the jurisdiction of Justices of the Peace in the county of Allen;

No. 103, An act to legalize the proceedings of Wesley Park;

No. 76, An act to legalize the sale of certain school lands in Clinton county;

Each without amendment.

Also, the Senate has passed engrossed bills of the House, and a joint resolution, as follows:

No. 81, An act to amend an act entitled An act to incorporate the mayor, and common council of the town of Lafayette, approved February 6, 1837;

No. 44, An act to provide for the election of a Justice of the Peace in the town of Montezuma; and,

No. 183, a joint resolution relative to Blackford's reports;

Each without amendments; in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills thereof as follows, viz:

No. 46, An act to authorize persons to remove fences made by mistake on the lands of other persons;

No. 62, An act to authorize the circuit court of Hamilton county to change the venue in a certain case therein named;

No. 66, An act to increase the per diem allowance of Probate and Associate Judges.

No. 73, An act to relocate a part of the State road leading from Indianapolis in the county of Marion, to where it intersects the State road leading from Strawtown, in the county of Hamilton, to Miamiesport, in the county of Miami, by way of Shieldsville and Knightstown, in Hamilton county;

No. 94, An act for the relocation of the seat of justice of Whitley county;

No. 106, An act to legalize the election of Clerk of the circuit court in the county of Dubois;

No. 115, An act for the relief of Joshua Wilson;

No. 139, An act for the relief of Gideon Conklin, and Frederick Elzroth; and,

No. 200, An act to incorporate the Mayor and common council of the town of Crawfordsville;

In which also the concurrence of the House is respectfully requested.

The House concurred in the amendments of the Senate to bills

Nos. 81, 344, 183, in said message mentioned;

Nos. 46, 62, 73, and 115, were each read three times and passed;

Nos. 66, and 106, were each read twice and laid on the table;

No. 94, was read twice and referred to a select committee of Messrs. Vance, Wines and Thompson;

No. 139, was read and passed to a second reading on to-morrow;

No. 200, was read twice and indefinitely postponed.

The following message was received from the Senate, by Mr. Test, their Secretary:

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House as follows, viz:

No. 273, An act for the relief of the securities of N. W. Saxton, late collector of Laporte county;

No. 348, An act to incorporate the Wabash and Goshen Turnpike company;

No. 583, An act to incorporate the Bartholomew, county Seminary;

Each without amendment.

Also, the Senate has passed engrossed bills of the House as follows, viz:

No. 336, An act to amend an act entitled An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter;

No. 224, An act to incorporate the Rob Roy Manufacturing company;

Each with amendments, in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills thereof as follows, viz:

No. 61, An act amendatory of the act entitled An act to organize Probate courts, and defining the powers and duties of Executors, Administrators, and Guardians, approved February 17, 1838.

No. 225, An act to amend an act entitled An act authorizing the sale of certain Seminary lands in Monroe county, approved February 4, 1837;

No. 190, An act to incorporate the Noblesville Insurance company;

No. 226, An act to amend an act entitled An act to incorporate the Baileytown and Chicago Turnpike company, approved February 15, 1838;

No. 227, An act to amend an act entitled An act to incorporate the Richmond and Brookville Canal company, approved February 17, 1838;

In which also, the concurrence of the House is respectfully requested.

The House concurred in the amendments of the Senate to bills Nos. 336, and 224, in said message mentioned;

Nos. 61, 225, and 190, were each read three times and passed;

No. 226, was read and passed to a second reading;

No. 227, was read twice, and passed to a third reading;

The following message was received from the Senate by Mr. Test, their Secretary:

**MR. SPEAKER—**

The Senate has passed engrossed bills thereof as follows, viz:

No. 86—An act to establish a state road in the county of Morgan;

No. 250—An act to incorporate the Centreville Musical Institute;

No. 252—An act for the formation of a school district in Morgan county;

No. 253—An act to establish and regulate ferries;

In each of which the concurrence of the House is respectfully requested.

Nos. 86 and 250 were each read three times and passed.

No. 252, read and passed to a second reading.

No. 253, was read twice and laid on the table.

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bill thereof,

No. 246—An act to provide for the selection and summoning of grand and petit jurors for the counties of Carroll and Clinton at the April terms of the Carroll and Clinton circuit courts, 1839;

In which the concurrence of the House is respectfully requested.

Said bill was read three times and passed.

Message from the Senate:

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 73—An act to change the mode of doing county business in Bartholomew county, and for other purposes;

Without amendment.

No. 338—An act to provide for the location of the seat of justice of Lake county;

No. 207—An act to amend an act to incorporate the town of Paoli, Orange county, Indiana;

No. 358—An act attaching the county of Newton to the county of White and for other purposes;

No. 337—An act to provide for the erection of a bridge over Big Vermillion river;

No. 353—An act to amend an act entitled an Act to incorporate Michigan city, approved Feb. 8, 1836;

No. 346—An act to change the name of Isaac Smith, brother of John L. Smith, deceased, late of Crawford county.

And also joint resolutions of the House as follows:

No. 355—A joint resolution on the subject of the Michigan and Erie canal;

No. 327—A joint resolution for the relief of William Perdue; and

No. 389—A joint resolution relative to the Wabash and Erie canal;

All of which bills and joint resolutions of the House have passed the Senate, without amendment.

MR. SPEAKER—

The Senate has passed an engrossed bill of the House,

No. 449, entitled An act fixing the salaries of members of the Board of Improvement Improvement;

Without amendment.

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that they have passed an engrossed bill,

No. 240, entitled an act for the relief of certain persons therein named;

In which the concurrence of the House is most respectfully requested.

Said bill was read twice and laid on the table.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the amendments of the House to the bill of the Senate entitled,

No. 174—An act supplemental to an act to amend an act entitled An act dividing the state into judicial circuits and fixing the times of holding courts therein, approved Jan. 28, 1838; and,

Also, the Senate has concurred in the amendment of the House to the amendment of the Senate to the joint resolution of the House

No. 95—A joint resolution on the subject of locating the northern end of the Central canal;

**MR. SPEAKER—**

The Senate has passed engrossed bills of the House of Representatives, as follows:

No. 177—A bill authorizing the purchase of a suitable residence for the Executive of the State of Indiana;

No. 83—An act to amend an act relating to public roads and highways;

No. 256—An act regulating the jurisdiction of justices of the peace in the county of Cass;

No. 193—An act to alter the boundary lines of the counties of Carroll and White;

No. 305—An act relating to the county seminary in Shelby county; and

No. 134—An act to amend an act entitled An act to extend the Erie and Michigan canal, approved Feb. 4, 1837;

Each without amendment.

**MR. SPEAKER—**

The Senate has passed an engrossed bill,

No. 214, entitled an act amendatory to An act to incorporate the town of Indianapolis in Marion county;

To which the concurrence of the House is respectfully requested.

Said bill was read three times and passed.

**MR. SPEAKER—**

The Senate has passed an engrossed bill of the House,

No. 219, entitled An act to reduce the Board of Fund Commissioners,

With an amendment, in which the concurrence of the House is respectfully requested.

Mr. Bryce moved to refuse to concur in the amendment of the Senate to said bill;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Arnold, Blair, Bryant, Carr of J., Carr of L., Chamber, Chiles, Clymer, Cooper, Cotton of P., Cotton of S., Devin, Dole, Earl, Field, Flint, Graham, Healey, Helmer, Hubbard, Hunt, Hurst, Jackson, Johnston of Monroe, Judah, Kenton, Kinney, Lane, Marshall, Mason, Matson, McClure, McCormick, Morrow, Noel, Parker,

Peaslee, Perine, Powell, Reynolds, Rush, Smydth, Spann, Terrell, Thompson, Vance, Willey, Williams, Wilson of M., Wines and Mr. Speaker—53.

*Those who voted in the negative were*

Messrs. Albertson, Baker, Boon, Bowles, Brown, Bryce, Chapman, Cline, Cogswell, Conaway, Cutter, Dumont, Eggleston, Eldridge, Glass, Gregory, Hendricks, Johnson of Marion, Jones, Lewis, Major, Monroe, Morgan, Nelson, Puett, Reily, Rose, Sands, Stewart, Townsend, Wilson of H., and Wyman—39.

So the House concurred in the amendment of the Senate.

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills and joint resolution of the House as follows, viz:

No. 211—An act to authorize the board of justices of Scott county to sell a part of the public square in the town of Lexington;

No. 434—An act amendatory of an act entitled An act relative to evidence, approved February 17, 1838;

No. 419—A joint resolution relative to the Governor, and

No. 430—An act to legalize the acts of the county commissioners of Dubois county,

Each without amendment.

Also the Senate has passed an engrossed bill thereof,

No. 255—An act to amend an act entitled An act to regulate the mode of summoning and impannelling grand and petit jurors, approved February 17, 1838.

In which the concurrence of the House is respectfully requested.

Said bill in said message mentioned, was read three times and passed.

**MR. SPEAKER—**

The Senate has passed an engrossed bill of the House of Representatives,

No. 386, A joint memorial of the General Assembly of the State of Indiana in relation to a harbor at City West,

Without amendment.

Also, the Senate has passed an engrossed bill thereof, entitled

No. 84, A bill to incorporate the Young Men's Literary Association of Richmond Wayne county Indiana;

In which the concurrence of the House of Representatives is requested;

Said bill was read three times and passed.

**MR. SPEAKER—**

I am instructed to inform the House of Representatives that the Senate has passed an engrossed bill thereof,

No. 231, entitled A bill to extend the privileges of the Salem Savings Institution,

In which the concurrence of the House is respectfully requested.

Said bill was read three times and passed.

**MR. SPEAKER—**

The Senate have passed an engrossed bill

No. 215, entitled an act relating to the trustees of the town of Paris in Jennings county,

To which the concurrence of the House of Representatives is respectfully requested.

Said bill was read three times and passed.

**MR. SPEAKER—**

The Senate has passed an engrossed bill thereof,

No. 243, entitled a bill to amend an act entitled An act to appropriate the 3 per cent. fund in certain counties therein named, approved February 4th, 1837;

In which the concurrence of the House of Representatives is requested;

Read three times and passed.

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof,

No. 178, entitled An act to amend an act entitled An act to amend an act entitled An act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to receive by virtue of an act of Congress, approved June 23d, 1836; approved February 17, 1838,

In which the concurrence of the House is respectfully requested.

Said bill was read twice and passed to a third reading on to-morrow.

The following message was received from the Governor by John M. Wallace his private Secretary.

**MR. SPEAKER—**

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills,

No. 76—An act to legalize the sale of certain school lands in Clinton county;

No. 70—An act to repeal an act to attach a part of township No. 19, north of range, No. 4, east to township No. 19, north of range No. 5 east, and for other purposes;

No. 44—An act for the relief of John Jelly late collector of Kosciusko county;

No. 84—An act to regulate the jurisdiction of justices of the peace in Allen county;

No. 384—An act to incorporate the Wabash and Goshen turnpike company;

No. 126—An act to incorporate the town of Danville in Hendricks county;

No. 273—An act for the relief of Norris W. Sexton late collector of St. Joseph county;

No. 383—An act to incorporate the Bartholomew county seminary;

No. 18—An act to incorporate the Governor's Guards of Evansville;

No. 419—A joint resolution relative to the Governor;

No. 211—An act to authorize the board of justices of Scott county to sell a part of the public square in the town of Lexington;

No. 434—An act amendatory of an act entitled An act relative to evidence, approved February 17th, 1838;

No. 43—An act amendatory of an act entitled An act relative to county boundaries;

No. 311—An act to incorporate the Dalton Steam Mill Manufacturing and Trading Company;

No. 95—A joint resolution on the subject of locating the Central canal;

No. 228—An act providing for the increase of stock in the State Bank;

No. 177—An act authorizing the purchase of suitable residence for the Executive of the State of Indiana;

No. 83—An act to amend the act entitled An act relative to public roads and highways, approved February 17th, 1838;

No. 427—An act supplemental to an act entitled An act to incorporate the Rushville Steam Mill Company, approved January 27th, 1839;

No. 428—An act to provide for ascertaining the number of Deaf Mutes in the State;

No. 440—An act authorizing an additional justice of the peace in Vermillion county;

No. 436—An act to vacate a State road in Morgan county;

No. 441—An act to amend the act regulating the jurisdiction and duties of justices of the peace, approved January 17, 1838;

No. 437—An act to amend an act therein named;

No. 421—An act to legalize certain proceedings of the board of commissioners of Vanderburg county;

The Speaker laid before the House a communication from the Fund Commissioners, on the subject of a loan negotiated by them on the part of the state.

Mr. Field presented the petition of sundry citizens of Clark county on the subject of a road therein named;

Also a remonstrance on the same subject;

Both of which were referred to the committee on roads.

On motion of Mr. Bright,

Bill No. 229, to authorize the Fund Commissioners to make deeds and releases in certain cases,

Was taken from the table,

Read a second time and ordered to be engrossed for a third reading.

On motion of Mr. Proffitt,

Bill No. 106, to legalize the acts of the clerk of the circuit court of Dubois county,

Was taken from the table; when

Mr. Dole moved to lay it on the table again;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Arnold, Blair, Brenton, Bryant, Carr of J., Carr of L., Chapman, Chiles, Clymer, Cooper, Cotton of P., Cotton of S., Devin, Dole, Dumont, Earl, Eggleston, Field, Flint, Gregory, Healey, Helmer, Hendricks, Hubbard, Hurst, Jackson, Johnson of Marion, Jones, Judah, Kenton, Kinney, Lewis, Mason, Matson, McClure, McCormick, Morgan, Noel, Parker, Peaslee, Powell, Rose, Rush, Smydth, Truelock, Williams, Wilson of H., Wilson of M., Wines, and Mr. Speaker—51.

*Those who voted in the negative were*

Messrs. Albertson, Baker, Boon, Bowles, Bright, Brown, Bryce, Cline, Cogswell, Conaway, Egbert, Glass, Graham, Hunt, Johnston of Monroe, Lane, Lee, Major, Morrow, Nelson, Owen, Puett, Reynolds, Reily, Sands, Stewart, Terrell, and Townsend—28.

So said bill was laid on the table.

When Mr. Proffitt's name was called he asked the House to excuse him from voting;

Which was done.

Mr. Morgan reports:

**MR. SPEAKER—**

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills of the House with the enrolled bills, and find the same correctly enrolled to-wit:

No. 83—An act to amend an act relating to public roads and highways;

No. 177—An act authorizing the purchase of a suitable residence for the Executive of the State of Indiana;

No. 421—An act to legalize certain proceedings of the board of commissioners of Vanderburgh county;

No. 437—An act to amend an act therein named;

No. 427—An act supplemental to an act entitled An act to incorporate the Rushville Steam Mill company, approved January 27th, 1839;

No. 428—An act to provide for ascertaining the number of deaf mutes in the State of Indiana;

No. 436—An act to vacate a state road in Morgan county;

No. 440—An act authorizing an additional justice of the peace in Vermillion county;

No. 441—An act to amend an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838.

On motion of Mr. Kinney,

Bill No. 53 of the Senate was taken from the table, and,

On his motion amended;

When it passed to a third reading on to-morrow.

Mr. Peaslee, on leave, reported back to the House without amendment, bill

No. 157, to provide for a survey of a road from Charlottesville via Rushville to the Whitewater canal;

When said bill was read a third time and passed.

Mr. Bryce, from the judiciary committee, reported bill

No. 456, to amend the act regulating the jurisdiction of justices of the peace;

Which was read twice, and,

On motion of Mr. Cotton of S., laid on the table.

Mr. Arnold, from a select committee, reported back to the House, bill,

No. 385, to amend an act incorporating the Lawrenceburgh bridge company;

Which was read a third time and passed.

Mr. Albertson made the following report:

#### MR. SPEAKER—

The select committee, to which was referred the petition of John Pitman and forty-three others, on the subject of a state road from Corydon via Leavenworth and Fredonia, to Adam Shoemaker's in Perry county; together with the remonstrance of James Leslie and one hundred and forty-three others, have had the same under consideration, and have directed me to report, that legislation upon that subject is inexpedient.

In which the House concurred.

Mr. Kinney, on leave, introduced bill  
No. 457, concerning Lost creek;  
Which was read three times and passed.

Mr. Boon, from the committee on claims, reported back to the  
House, without amendment, bill

No. 145, for the relief of John Bisby;  
When said bill was read a third time and passed.

Mr. Jones introduced bill,  
No. 458, to establish a bank district;  
Which was read twice, and,  
On motion of Mr. Flint, laid on the table.

Mr. Milroy entered the following protest, signed by himself and  
others:

The undersigned avail themselves of their constitutional right, to  
protest against the passage of the act entitled An act pointing out the  
mode of levying taxes, and fixing the per centum for state purposes,  
which passed this House. The undersigned conceive said act to be  
of a character, which warrants the exercise of the right of protest, for  
the following reasons:

The provisions of this act require the tax payer to give a true valuation of all his property, of whatever description, from which certain deductions are made, which deductions do not lessen the burthen of valuation, a duty at all times difficult to perform, and at the same time odious to those who have to perform it; and one of the objections to the proceedings on the passage of this bill was, that an opportunity was not afforded to propose a proper amendment, enumerating objects of taxation, which is necessary to any just system of revenue. In the valuation proposed by this bill, many things must necessarily be valued that are useless, and not worth the tax, yet they must be valued. Provisions of this kind are well calculated to render any system of taxation odious. The revenue laws of Great Britain which tax hearths and window-lights, compared with this bill, are less exceptionable, as it is only another mode by which to determine the supposed wealth of the individual; it is not more a tax on *light* and *heat*, than is this unlimited and undefined system of taxation adopted by the House of Representatives of the State of Indiana.

Another objection to the bill is, it imposes a tax on Wabash and Erie canal lands, as well that portion paid for, (to which no objection would have been made,) as that portion which remains unpaid, and on which interest is annually paid in advance. When those lands were sold, at least an implied pledge was given, that they would be free from taxation until a title was obtained for them from the State, inasmuch as the understanding was, that the State would be more benefitted by selling them on a long credit, with the interest punctually paid, than to receive payment in advance, as the credit occasioned a much higher sale, and the accruing interest would pay interest on loans for Internal Improvement, on an amount equal to the purchase money remaining unpaid—thence the injustice of subjecting those lands to taxation; which will be better understood by the

following view of the case: The tax on one hundred dollars, agreeably to the bill, is thirty cents, and the interest on a like sum is six dollars, which is certainly some ten times the amount received by the State from any other lands, making all reasonable allowance for the increase in value of those lands. It is proper to add, that much of those lands have been sold at a price that could not be much exceeded if offered for sale for cash in hand at this time; hence the evident injustice of subjecting them to taxation, while they are liable for interest, which has been hitherto punctually paid.

Another objection to the bill: It permits assessors to exercise discrimination between citizens, in swearing those whom they may think proper, to the correctness of their list of taxable property, and to take the word of others. In this land of equal liberty every citizen should stand on the same elevated level of equal rights, and none be subjected to the capricious discretion of a tax gatherer. The law, to be just, should require all to be sworn to their list of taxable property, or none to be sworn.

Another objection is to be found in the provisions relative to the poll tax. All between the ages of 21 and 50 years, are subject to the payment of this tax—a tax at all times objectionable, because it is a perversion of the just principles of taxation; as it imposes the burthens of government on the persons, and not on the wealth of the citizens. But this bill imposes this tax in a more objectionable form. None, however unfortunate, are exempted from its operation. The invalid, or cripple, who may be unable to earn his bread, or who may be dependent on the charity of his country for support, are alike subject to pay a poll tax under the provisions of this bill.

Another objection is to be found in the section of this act which imposes a fine of five hundred dollars, (if a jury so will it,) upon members of the boards doing county business, for failing to appoint assessors, &c. The provisions of this section would seem to indicate a distrust on the part of its framers in the integrity of that portion of our citizens comprising those boards. It carries with it the idea that those individuals are liable to be more operated upon by pecuniary considerations, than by the obligations of their oath of office; an imputation, whether intended or not, is implied; an imputation as unjust to those citizens, as derogatory to the character of the whole citizens of the State. If laws are founded in justice, all our experience goes to prove that they receive the willing support of our citizens, and are faithfully executed by our public officers; and if not so founded, penal enactment will not long enforce their observance. Public opinion is the ultimate arbiter on all matters of this character. If laws are approved by the people, they will be faithfully executed by public officers; if they are not approved, that alone is a sufficient reason for their repeal; and a provision, such as that referred to, should not be permitted to find a place among the statutes of Indiana.

The undersigned were desirous of voting for an efficient revenue bill, such as would provide means to sustain the credit of the State, in

her efforts to carry on her system of Internal Improvement. But in addition to the objections before stated, there is yet another, of equal or greater weight, as in the opinion of the undersigned it will fall far short, heavy as are the taxes it imposes, of providing sufficient means to defray all the demands accruing against the State.

The undersigned were prevented from offering amendments to the bill by a demand of the previous question, a species of gag law in legislation, as unjust in its operation, as it is subversive of the rights of minorities, and should never be resorted to, when bills of such vital importance to the citizens are under consideration.

For which, with other reasons not enumerated, the undersigned "dissented from," and hereby protest against the passage of said bill, believing it to be injurious in its provisions, (should it become a law,) to the interests of those whom we represent.

SAMUEL MILROY,  
J. W. EGELSTON,  
WILLIAM CONAWAY,  
JOHN H. NELSON,  
ANDREW MAJOR,  
VALENTINE BAKER,  
JOB B. ELDRIDGE,  
HENRY C. MONROE.

On motion, the House adjourned.

*Two o'clock, P. M.*

House met,

And proceeded to the orders of the day; took up bills on the second reading, when the following bills were read a third time and passed, the rule being dispensed with, to-wit:

No. 458, to change the name of Parkersburg to Faithville;

No. 107, Senate, to incorporate the town of Pendleton, in Madison county;

No. 252, Senate, for the formation of a school district in Morgan county;

No. 227, Senate, to amend the act incorporating the Richmond and Brookville canal company;

No. 233, Senate, for the formation of a school district in Monroe county;

No. 139, Senate, For the relief of Gideon Conklin and Frederick Conklin;

No. 218, Senate, to locate a State road in Wayne county;

No. 210, Senate, to revive and amend an act incorporating the town of Bethlehem, in Clarke county.

No. 14, a joint resolution concerning the Governor's house;

No. 390, An act to provide for the election of an additional Justice of the Peace in Moscow, in Rush county;

No. 453, to change the location of section 84, northern end of the Central canal;

No. 376, for an additional Justice of the Peace in Orange county;

No. 461, to amend the acts relative to executions;

No. 211, Senate, making it a penal offence to cause dead animals to be thrown in water courses;

No. 391, to locate a State road therein named;

No. 93, Senate, providing means for the completion of a bridge across White river, on the Michigan road;

No. 64, Senate, to incorporate the Glenhope Manufacturing company;

No. 236, Senate, to amend an act entitled An act for the relief of the Poor;

No. 413, making general appropriations for 1839;

No. 412, to establish a State road in Lawrence county;

No. 415, incorporating the Dublin academy;

No. 414, for the relief of purchasers at Sheriffs' sale;

No. 416, to vacate Cayuga Alley, in Wood's addition to the town of Indianapolis;

No. 417, to legalize the sale of lots near Bloomington;

No. 418, to incorporate a Philomatheun Society in the town of Spencer;

The following bills were read and on motion laid on the table;

No. 293, for the appointment of county assessors;

No. 452, making appropriations on the Michigan road;

No 392, concerning the loaning of the surplus revenue;

Was read a second time,

When Mr. Arnold moved to amend by striking out the name of J. McPike, and inserting in lieu thereof the name of William Perry as agent for Dearborn county;

Which did not prevail;

When said bill was read a third time and passed.

No. 226, (Senate) to incorporate a turnpike company,

Was read and passed to a third reading;

No. 14, of the House, concerning corporate privileges,

Was read, when Mr. Brenton moved to indefinitely postpone it;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Arnold, Blair, Boon, Bowles, Brenton, Brown, Bryant, Bryce, Carr of L., Chapman, Cogswell, Cooper, Cotton of P., Cotton of S., Devin, Earl, Egbert, Eldridge, Field, Flint, Healey, Hendricks, Hubbard, Hunt, Jackson, Jones, Kenton, Kinney, Lane, Lee, Lewis, Mason, Matson, McClure, McCormick, Morgan, Morrow, Nelson, Noel, Reynolds, Reily, Rose, Rush, Wilson of H., Wilson of M., and Wyman—47.

*Those who voted in the negative were*

Messrs. Albertson, Carr of J., Chiles, Cline, Cutter, Eggleston, Glass, Graham, Helmer, Herriman, Hurst, Johnson of Marion, Johnson of Monroe, Judah, Major, Marshall, McNary, Milroy, Monroe, Owen, Peaslee, Powell, Sands, Smydth, Spann, Stewart, Terrell, Thompson, Townsend, Truelock, Vance, Willey, Williams, and Wines—33.

So said bill was indefinitely postponed.

On motion of Mr. Peaslee, bill

No. 309, to locate that part of the Madison and Lafayette railroad, which lies between Vernon and Indianapolis,

Was taken up;

When Mr. Carr of J., proposed the following amendment,

That it shall be the duty of the board to locate said road through Rockford in Jackson county, if the interest of the State will not be injured thereby.

Mr. Lane, moved to lay said bill and pending amendment on the table.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Bright, Clymer, Cooper, Earl, Eldridge Graham, Herriman, Hubbard, Kenton, Lane, Lee, Marshall, Mason, McNary, Morrow, Reynolds, Smydth, Stewart, Terrell, Thompson, Townsend, Vance, Wilson of M., and Wyman—25.

*Those who voted in the negative were*

Messrs. Arnold, Baker, Blair, Boon, Bowles, Brown, Bryce, Carr of J., Carr of L., Chapman, Chiles, Cogswell, Cotton of P., Cotton of S., Cutter, Devin, Dolc, Egbert, Eggleston, Field, Glass, Helmer, Hendricks, Hunt, Hurst, Johnson of Monroe, Jones, Judah, Kinney, Lewis, McCormick, Milroy, Monroe, Morgan, Nelson, Parker, Peaslee, Powell, Puett, Rose, Rush, Sands, Spann and Truelock—44.

So said bill was not laid on the table.

Mr. Terrell moved to indefinitely postpone it,

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Bowles, Bright, Bryce, Carr of L., Champer, Chiles, Cline, Clymer, Cogswell, Cooper, Cotton of S., Devin, Earl, Egbert, Flint, Graham, Healey, Helmer, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnston of Marion, Johnston of Monroe, Kenton, Lane, Lee, Lewis, Marshall, Mason, McClure, Morrow, Noel, Reynolds,

Reily, Rush, Smydth, Stewart, Terrell, Thompson, Vance, Willey, Wilson of M., Wines, Wyman and Mr. Speaker—49.

*Those who voted in the negative were*

Messrs. Arnold, Baker, Blair, Boon, Brown, Carr of J., Chapman, Conaway, Cotton of P., Dole, Dumont, Egbert, Field, Glass, Gregory, Judah, Kinney, Major, McNary, Milroy, Parker, Peaslee, Powell, Rose, Sands Truelock, Wilson of H.,—26.

So said bill was indefinitely postponed.

Mr. Parker, from the select committee, to whom was referred several petitions and remonstrances on the subject of attaching part of Washington county to Scott, made the following report:

**MR. SPEAKER—**

A majority of the select committee to whom was referred several petitions and remonstrances on the subject of attaching part of the county of Washington to Scott county, have had the same under consideration and directed me to report it inexpedient to legislate further upon that subject,

In which the House concurred.

Mr. Vance, from a select committee, made the following report:

**MR. SPEAKER—**

The select committee to which was referred engrossed bill of the Senate,

No. 94, for the relocation of the seat of justice of Whitley county, have had the same under consideration and have directed me to report the same back with two amendments;

In which the House concurred;

When said bill was read a third time and passed.

On motion of Mr. Milroy,

The committee of the whole was discharged from the further consideration of bill

No. 248, to regulate the State Prison,

When said bill was referred to a select committee of Messrs. Bright, Hurst and Milroy.

Mr. Wilson of H., introduced bill

No. 460, fixing the per diem allowance of the President of the Senate and Speaker of the House.

When Mr. Herriman moved to reject it.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Arnold, Baker, Boon, Bright, Brown, Carr of

L., Carr of J., Champer, Chapman, Chiles, Cline, Cotton of P., Cotton of S., Devin, Dumont, Egelston, Flint, Helmer, Hendricks, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Lewis, Major, Mason, McNary, Milroy, Monroe, Morrow, Morgan, Nelson, Noel, Owen, Powell, Puett, Reynolds, Reily, Rose, Sands, Stewart, Townsend, Truelock and Wyman—47.

*Those who voted in the negative were*

Messrs. Blair, Bowles, Brenton, Bryant, Bryce, Clymer, Cooper, Cutter, Dole, Earl, Egbert, Eldridge, Field, Graham, Gregory, Healey, Hurst, Jones, Judah, Matson, McClure, McCormick, Parker, Smydth, Vance Willey, Wilson of H., Wines and Mr. Speaker—30.

So said bill was rejected.

On motion of Mr. Thompson, bill

No. 438, organizing medical societies, and to regulate the practice of physic and surgery,

Was taken from the table, and referred to a select committee of Messrs. Thompson, Boon, Wyman, and Cutter.

No. 411, relative to the Whitewater canal,

Was read a second time,

When Mr. Lewis moved to lay it on the table.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Bright, Bryce, Carr of J., Champer, Clymer, Cogswell, Dumont, Earl, Flint, Glass, Graham, Gregory, Helmer, Herriman, Hubbard, Hunt, Jackson, Johnson of Marion, Jones, Kinney, Lane, Lee, Lewis, Major, Marshall, Mason, McClure, Morrow, Noel, Puett, Reynolds, Reily, Rose, Sands, Smydth, Stewart, Terrell, Thompson, Townsend, Vance, Willey, Williams, Wilson of H., Wilson of M. Wines and Mr. Speaker—45.

*Those who voted in the negative were*

Messrs. Albertson, Arnold, Baker, Blair, Bowles, Brenton, Brown, Bryant, Carr of L., Chapman, Cooper, Conaway, Cotton of P., Cotton of S., Cutter, Elgetson, Healey, Hurst, Johnston of Monroe, Judah, Milroy, Monroe, Morgan, Nelson, Owen, Parker, Peaslee, Powell, Rush, Spann, and Wyman—33.

So said bill was laid on the table.

On motion, the House adjourned.

THURSDAY, FEBRUARY 14, 1839.

House met pursuant to adjournment.

Mr. Gregory presented the remonstrance of C. T. Lucas and others against the location of a State road therein named;

Which was referred to a select committee of Messrs. Gregory and others.

Mr. Eldridge presented the remonstrance of sundry citizens of Cass county in relation to the proceeds of a certain school section;

Which was referred to the committee on the judiciary.

Mr. Field presented the petition of sundry citizens of Clark county on the subject of the boundary lines of said county;

Referred to a select committee of Messrs. Field, Bright, and Hurst.

Mr. Vance presented the petition of sundry citizens of Wells, Jay, and Huntington counties, praying for an appropriation on a certain State road therein named;

Referred to the committee on canals and internal improvements.

Mr. Kinney from the committee on the judiciary made the following report:

MR. SPEAKER—

The committee on the judiciary, to whom was referred sundry petitions from the citizens of Clark, Jefferson, Dearborn and other counties, praying a repeal or modification of the law regulating the retail of spirituous liquor, as a drink—have had the same under consideration and instructed me to report,

That when laws were first enacted in America, licensing persons to sell spirituous liquor, it was upon the supposition or belief that alcohol was useful as a beverage, and that it was only necessary to regulate the use by law; hence to a certain number was granted the exclusive privilege of retailing, while the common people were prohibited under severe penalties. Did we know nothing of its history, we should think strange that the sale of an article believed to be useful, should not have been free to all. But the error was this: the moderate use was supposed to be beneficial, but the *immoderate* use pernicious.—It was not then known that any quantity, however small, taken by a person in health is injurious, and never can give nourishment or strength. It was not then known that temperate drinking was the origin of all drunkenness, and of all the misery and wretchedness and crime and death that follow in its train. It was not then known that licensed grog-shops were the producing cause of three-fourths of all the crimes, of all the pauperism, of all the expenses of criminal jurisprudence, and of all the insanity in our land; we were not then called a nation of drunkards, nor were thirty thousand of our fellow citizens annually tottering to a drunkard's grave. But it is now known to all who have examined the subject, that the use of spirituous

liquors as a beverage is intemperance, and to speak of the temperate or moderate use of them is a perversion of language. Their effects are unmitigated evil, and are every where seen in the degradation and ruin of our species. Alcohol is not a friend to human life, but an enemy. Chymical analysis and physiological experiments have proved beyond controversy, that alcohol received into the stomach, remains unchanged, unassimilated, and as such, travels with the blood through the various parts of the system, not as blood nor as its fit companion, but as a treacherous and insidious enemy. That it first shews its works of desolation in the nobler part of man. The fine sensibilities are impaired. The high standard of honorable action is lowered. His friends, his family, his wife and children are neglected for associates more congenial to his new acquired feelings. After this the understanding gives way, and finally his physical powers and the whole drunkard is displayed in all his loathsome deformity. But these are facts too well understood to justify a detail here. It is the business of the statesman to secure by wise laws the greatest possible amount of good to the people, and to prevent evil when in his power to do so. We should meet the question before us fairly, and we will try to do so. The petitioners ask us to repeal the laws licensing the retailing of spirits. If this practice does no good, or does less good than harm, we should grant their request. If the practice does good, or does more good than evil, we should deny their request.—What good does the community derive from this practice? The spirits sold and drunk do no good. This has long since been clearly established. Then this item is against the practice. The cost of the liquor is so much clear loss; suppose it is ten thousand in each of our counties, we shall have \$800,000.

Suppose we have 10 groceries in each county, we shall have about 800, and allowing three idle persons to each establishment during each week day in the year, we shall lose 74,880 days, which at 75 cents per day, will be	\$52,160
Each of our circuit courts is employed six days in a year, trying persons for crimes committed under the influence of alcohol, and including court, jurors, attorneys, witnesses, and spectators, 100 persons will be detained, whose time is, on an average value, one dollar per day	48,000
Attorneys, clerks, sheriffs, and other fees will amount to an equal sum	48,000
The expense of paupers in each county at \$500 will be	40,009

Making an aggregate of

\$988,160

It is estimated by some that 50,000, by others that 30,000 lives are lost annually in the United States from intemperance alone. Take a medium number, 40,000, whose lives may be cut short ten years, and allow one thirtieth to Indiana, and we shall find that more than thirteen hundred persons in our state are sent annually to the grave by intemperance, and thus cutting off annually more

than thirteen hundred years of human life. It may be thought by some that this should not be estimated in dollars and cents, nor should it be; but there are some who seem to think there is nothing else worth consideration; and as time is the *only* source of wealth, it may not be foreign to our subject to say, that this time as labor is valued above would be worth

390,000

Making the expense of intemperance as above supposed,  
annually \$1,378,160

A sum more than sufficient to pay the interest on the entire cost of all our projected works of internal improvement; a sum much more than sufficient to school every child requiring instruction. But large as this estimate may appear to be, it is confidently believed to be more than 100 per cent. below the truth. But we are glancing at only a part and far the least important part of the mischief done in society by these schools of vice. Who shall estimate their influence upon the morals of the young? Who can number the victims that are decoyed from the paths of peace by the splendid anti-chambers of these houses of death? Who but the father who has seen all his paternal counsel lost in the maddening revel of the coffee house, and the expanding genius of a beloved son melt down in its tainted and polluted atmosphere; who but the fond and widowed mother, bereaved of her last support this side of heaven; who but the devoted and confiding wife, whose friends have been driven from her society, whose means of subsistence have been squandered at the gambling table, whose heart has been torn piecemeal away by the unkindness of the once fond object of her affections, whose look and bloated form she has followed to an untimely and dishonored grave, can tell or even know the anguish they have occasioned? But let us turn the leaf and consider the benefits they confer upon society. The benefits they bestow—the benefits!—Yes, we must examine the other side, certainly we must; but it will require more sagacity than we possess to point out any good which they have done our race. We have seen that they add nothing to the wealth of a people, that they add nothing to their morals, nothing to domestic happiness. If a manufacturing establishment is built, or even a good school house is built near our estate, we feel that our property is increased in value; but what prudent man ever considered himself the richer or his peace the better secured by the erection of a grogshop near him? The truth is, they do no good to any one; but they do evil to all; their owners collect a little money in these establishments, but they do not make money, they add not one cent to the value of a single useful commodity. The farmer increases the value of his farm by cultivating it, or by the erection of permanent buildings thereon; the mechanic enhances the value of the raw material by preparing it for some of the wants of man. Why then should this class of men enjoy the exclusive privilege of vending spirituous liquor, while their fellow citizens are prohibited under severe penalties? We

have not noticed one argument in their favor, not because it was forgotten, but because it is believed to be comparatively unworthy of notice: the amount they pay for license. The amount this brings into the treasury of the counties considered in connection with the evils they produce will soon be lost from our sight. It is the settled opinion of your committee that all our license laws should be repealed, that there is no valid argument to sustain them. But it is believed there is one reason for qualifying legislative action at this time. All laws should be the will of the people, but should not contravene that will. And every attempt by legislative enactment to force the people, would be wrong in principle and pernicious in its effects. It is believed that the majority should in all cases govern, and that no community should have institutions forced upon them against their will. Your committee therefore report the following bill:

No. 462, concerning license to retail spirits;

Which was read twice, the rule being suspended; when

Mr. Monroe moved to lay it on the table;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Baker, Blair, Boon, Bowles, Bryant, Bryce, Carr of J., Champer, Cline, Conaway, Cotton of P., Cotton of S., Devin, Dole, Dumont, Glass, Hanna, Hendricks, Herriman, Hurst, Johnson of Marion, Johnston of Monroe, Jones, Kenton, Lane, Lee, McCormick, McNary, Monroe, Nelson, Noel, Parker, Proffitt, Puett, Reynolds, Sands, Smydth, Spann, Stewart, Vance, and Wilson of H.  
—43.

*Those who voted in the negative were*

Messrs. Albertson, Arnold, Brenton, Brown, Chapman, Chiles, Cooper, Egbert, Egelston, Graham, Gregory, Healey, Helmer, Hubbard, Hunt, Jackson, Kinney, Lewis, Major, Milroy, Morgan, Morrow, Peaslee, Reily, Terrell, Thompson, Truelock, Williams, Wilson of M., and Wyman—31.

So said bill was laid on the table.

**MR. SPEAKER—**

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills of the House, with the enrolled bills and find the same truly enrolled, to-wit:

No. 81—An act to amend an act entitled An act to incorporate the Mayor and Common Council of the town of Lafayette, approved Feb. 6, 1837;

No. 134—An act to amend an act entitled An act to extend the Erie and Michigan canal, approved Feb. 4, 1837;

No. 183—A joint resolution relative to Blackford's Reports;

No. 219—An act to reduce the Board of Fund Commissioners;

No. 256—An act regulating the jurisdiction of justices of the peace in the county of Cass;

No. 387—An act to authorize Samuel Patterson to build a toll bridge;

No. 103, of the Senate, An act for the protection of the Madison and Indianapolis railroad, and the collection of tolls thereon;

No. 182 of the Senate, An act to amend an act entitled An act for the prevention of frauds and perjuries, approved Jan. 24, 1831;

No. 171 of the Senate, A joint resolution relative to the ninth judicial circuit.

Mr. Carr of J. reports:

MR. SPEAKER—

The joint committee on enrolled bills now report, that they have compared the enrolled with the engrossed bills of the House,

No. 262, entitled An act to incorporate the Anderson and Greenfield turnpike and trust company; also,

No. 26, entitled An act to authorize the election of two individual justices of the peace in Shelby county; also,

No. 189, entitled An act to incorporate the Harrison Insurance company;

They also presented the same to His Excellency the Governor for his approval signature.

Mr. Healey reports:

MR. SPEAKER—

The joint committee of enrolled bills have this day compared the following engrossed with the enrolled bills and find the same truly enrolled, to-wit:

No. 340—An act to incorporate the city of New Albany and to repeal all laws in force incorporating the town of New Albany;

No. 449—An act fixing the salaries of members of the Board of Internal Improvement;

Mr. Carr of J. reports:

MR. SPEAKER :

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bill of the House and find the same truly enrolled, entitled Acts as follows:

No. 325—An act to incorporate the Western Mutual Life Insurance and Trust company;

No. 9—An act to amend an act entitled An act to incorporate the Jeffersonville Savings Institution, approved February 17th, 1838.

Mr. Morgan reports;

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of this House entitled Acts as follows, and find them truly enrolled;

No. 37—An act to amend an act entitled An act authorizing the appointment of pilots at the falls of the river Ohio;

No. 336—An act to amend an act entitled An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter;

No. 305—An act relating to the county seminary of Shelby county;

No. 193—An act to alter the boundary line of the counties of Carroll and White;

No. 336—An act to provide for the erection of a bridge over the Big Vermillion river;

No. 207—An act to amend an act to incorporate the town of Paoli, Orange county Indiana;

No. 105—An act relative to a State road in the counties of Warrick and Spencer;

No. 281—An act to amend the acts relative to the town of Evansville;

No. 185—An act to amend an act entitled An act to regulate the mode of doing county business in the several counties in this State, approved February 17th, 1838;

No. 297—An act for the relief of Matthew Griggs;

No. 338—An act to provide for the location of the seat of justice of Lake county;

No. 271—An act to legalize the proceedings of the board doing county business in the county of Crawford;

No. 254—An act to legalize the acts of Avery McGee as recorder of Brown county;

No. 149—An act to authorize the refunding moneys in certain cases;

No. 386—A joint memorial of the General Assembly of the State of Indiana in relation to a harbor at City West;

No. 354—A joint resolution relative to a mail stage route therein named;

No. 306—A memorial and joint resolution on the subject of the refuse lands in the counties of Jackson, Scott and Clark;

No. 389—A joint resolution relative to the Wabash and Erie canal;

The following message was received from the Senate by Mr. Test, their Secretary.

MR. SPEAKER—

The Senate has passed an engrossed bill of the House,  
No. 365, entitled An act pointing out the mode of levying taxes  
and fixing the per centum for State purposes,  
Without amendment.

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that the Senate has passed without amendment an engrossed joint resolution of the House entitled

No. 152, A joint resolution authorizing Patrick McGinley to sue the State.

Mr. Lane, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER—

The committee on canals and internal improvements to which was referred bill of the House,

No. 439, authorizing the board of public works to use a certain State road therein name, have had the same under consideration and have directed me to report it back without amendment, and recommend its passage;

Said bill was read a third time,

When Mr. Egelston moved to refer it to a select committee,

Which was not agreed to;

The question then was taken on the passage, which was decided in the affirmative.

*Ordered*, That the Senate be informed thereof.

Mr. Lane, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER—

The committee on canals and internal improvements, to whom have been referred various petitions, memorials, remonstrances, &c., have directed me to report that it is inexpedient to legislate upon the subjects therein contemplated, and ask to be discharged from their further consideration;

In which the House concurred.

Mr. Vance, from a select committee, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of J. Brownlee and others, have had the same under consideration, and

have directed me to report that it is inexpedient to legislate upon the subject matter of said petition;

In which the House concurred.

Mr. Vance, from a select committee, made the following report:

MR. SPEAKER—

The select committee to which was referred the petition of John Teterick and other citizens of Blackford county, praying to have the appointment of commissioners to locate the county seat of Blackford county, deferred for one year, have had the same under consideration, and have directed me to report that as a bill had passed the present session of the legislature, approved on the 16th January last, appointing commissioners to locate the county seat of Blackford on the second Monday of February inst., and as it wants but a few days of the time, thereby rendering it impossible to comply with the prayer of the petitioners—it is therefore, in the opinion of the committee inexpedient to legislate upon that subject;

In which the House concurred,

Mr. Vance, from a select committee, made the following report:

MR. SPEAKER—

The select committee to which was referred one petition and three remonstrances relative to attaching a portion of Wells county to the county of Blackford, have had the same under consideration and have directed me to report that legislation upon that subject is inexpedient, and ask to be discharged from its consideration;

In which the House concurred.

On motion of Mr. Thompson,

*Resolved*, That a vote of thanks be tendered to the Speaker of this House, for the able and efficient manner in which he has discharged the duties of the chair during the present session;

Which was adopted unanimously.

Mr. Thompson, from the committee on agriculture, made the following report:

MR. SPEAKER—

The committee on agriculture, to which was referred the memorial of sundry individuals, praying for a loan to aid Osborn and Willets in carrying out their object of permanently establishing, at the seat of government of this state, an experimental field, an agricultural and horticultural wareroom and general seed store, beg leave to

## REPORT:

That they have had the subject under consideration, and have come to the conclusion that such an establishment would be of the highest

utility, inasmuch as it would constitute a general deposite from which all sections of our state could be supplied with the choice and rare productions of the earth now being collected from foreign countries by our foreign agents, officers of the navy, merchants, &c., as well as the productions which are brought to a high state of perfection by American skill and perseverance.

That it will also be the means of facilitating an improved system of agriculture within our state, of introducing improved labor saving agricultural implements, thereby furnishing samples from which our mechanics in their various neighborhoods; will have an opportunity of manufacturing others, and probably frequently improve upon the original design, thus promoting our home industry and saving money within our state.

And especially do your committee look upon this branch of the establishment already commenced as being of great importance to the state, because the said Osborn and Willets, the last mentioned of whom is a scientific and practical agriculturist and horticulturist, have entered upon the business of testing field and garden seeds in our own soil and climate, previous to offering them to their fellow citizens with their recommendation.

From these facts, and from the further fact that the legislatures of other states are doing much to encourage similar undertakings; and for numerous other reasons with which your committee deem it unnecessary to trespass on the time of the House, your committee has directed me to report the following joint resolution:

No. 463, relative to an agricultural and horticultural warehouse in Indianapolis;

Which was read, when,

Mr. McNary moved to reject it;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Arnold, Baker, Brown, Bryant, Bryce, Carr of J., Chapman, Chiles, Cline, Clymer, Cogswell, Conaway, Cotton of P., Cutter, Dumont, Egbert, Glass, Gregory, Hanna, Hendricks, Herriman, Hurst, Johnson of Marion, Judah, Kenton, Lee, Major, McClure, McNary, Milroy, Monroe, Nelson, Peaslee, Powell, Reynolds, Reily, Spann, Stewart, Townsend, and Wilson, of M.—41.

*Those who voted in the negative were*

Messrs. Albertson, Alley, Allison, Blair, Boon, Bowles, Carr of L., Champer, Cooper, Cotton of S., Devin, Dole, Eldridge, Field, Flint, Graham, Healey, Hubbard, Hunt, Jones, Jackson, Kilgore, Kinney, Lewis, Marshall, Mason, Morgan, Morrow, Noel, Owen, Proffitt, Rush, Smydth, Terrel, Thompson, Truelock, Willey, Williams, Wilson of H., Wyman, and Mr. Speaker—41.

So said bill was not rejected.

When said bill was read a second time, and  
Mr. Bryce moved to lay it on the table;  
And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Alley, Arnold, Baker, Bright, Brown, Bryant, Bryce, Carr of J., Carr of L., Chapman, Chiles, Cline, Clymer, Cogswell, Conway, Cotton of P., Dumont, Glass, Gregory, Hanna, Healey, Hendricks, Herriman, Hurst, Johnston of Monroe, Jones, Judah, Kenton, Lane, Lee, Major, McClure, McNary, Milroy, Monroe, Nelson, Peaslee, Powell, Puett, Reynolds, Reily, Sands, Spann, Stewart, and Townsend—35.

*Those who voted in the negative were*

Messrs. Albertson, Allison, Blair, Boon, Brenton, Cooper, Cotton of S., Cutter, Devin, Dole, Egbert, Eldridge, Field, Flint, Graham, Helmer, Hubbard, Hunt, Jackson, Kinney, Lewis, Marshall, Mason, Morgan, Morrow, Noel, Owen, Parker, Proffitt, Rose, Rush, Smydth, Terrell, Thompson, Truelock, Vance, Willey, Williams, Wilson of H., Wilson of M., Wyman and Mr. Speaker—41.

So said bill was laid on the table.

Mr. Thompson from the same committee, made the following report:

**MR. SPEAKER—**

The select committee, to which was referred bills Nos. 161 and 162 on the subject of agriculture, have had the same under consideration and have directed me to report the same back without amendment and recommend their passage.

No. 161, in said report, was read and ordered to be engrossed.

No. 162, to encourage the manufacture of silk, salt, and iron, was read;

And the question being Shall it be engrossed?

And the ayes and noes being requested thereon.

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Arnold, Blair, Brenton, Bryant, Bright, Carr of J., Carr of L., Clymer, Cooper, Cotton of S., Cutter, Devin, Dole, Egbert, Eldridge, Field, Flint, Glass, Graham, Hanna, Helmer, Herriman, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Jones, Kenton, Kinney, Lee, Lewis, Marshall, Mason, McClure, Nelson, Noel, Owen, Proffitt, Reily, Rose, Smydth, Stewart, Terrell, Thompson, Truelock, Vance, Willey, Williams, Wilson of H., Wilson of M., Wyman, and Mr. Speaker—57.

*And those who voted in the negative were*

Messrs. Baker, Boon, Bowles, Brown, Chapman, Cline, Cotton of P., Dumont, Gregory, Johnston of Monroe, Judah, Major, McNary, Milroy, Peaslee, Powell, Reynolds, Rush, Sands, Spann, and Townsend—21.

So said bill was ordered to be engrossed.

Mr. Owen, from the committee on education, made the following report:

MR. SPEAKER—

The committee on education, to which was referred bill No. 420, entitled a bill to provide for a more efficient system of common schools, have had the same under consideration and have instructed me to report the same back, and to recommend that the 14th, 18th, and 19th sections of said bill be stricken out, and that the bill be passed with one additional section, as follows:

That this act shall be in force and take effect from and after its passage; and that a thousand copies shall be published in pamphlet form and distributed by the Secretary of State, through the mail; and the Treasurer of State is hereby authorized to pay the postage out of any money in his hands not otherwise appropriated.

Mr. Hanna moved to amend said bill by striking out the 7th, 8th, 9th, 10th, and 11th sections;

Which did not prevail.

Mr. Brenton moved to amend by striking out that part which makes school commissioners agents to loan the surplus revenue in the several counties.

Mr. Cutter moved the previous question;

Which was seconded by the House.

Mr. Hanna moved to lay said bill on the table;

And the ayes and noes being demanded,

*Those who voted in the affirmative were*

Messrs. Alley, Baker, Bowles, Bright, Chapman, Cline, Cooper, Conaway, Cotton of P., Cotton of S., Dumont, Flint, Gregory, Hanna, Healey, Hubbard, Johnson of Marion, Johnston of Monroe, Kenton, Lee, Lewis, Monroe, Parker, Puett, Reynolds, Reily, Rush, Spann, Stewart, and Vance—30.

*Those who voted in the negative were*

Messrs. Albertson, Allison, Arnold, Blair, Boon, Brown, Bryce, Carr of J., Carr of L., Champer, Clyner, Cutter, Devin, Dole, Eldredge, Eldridge, Field, Graham, Helmer, Herriman, Hurst, Jones, Judah, Kilgore, Kinney, Lane, Marshall, Mason, Matson, McClure, Milroy, Morgan, Owen, Peaslee, Powell, Rose, Sands, Smydth, Terrell,

Thompson, Townsend, Willey, Wilson of M., Wyman, and Mr. Speaker—45.

So said bill was not laid on the table.

The House then agreed to put the main question now;

Which was, Shall the bill be engrossed?

And the ayes and noes being requested thereon.

*Those who voted in the affirmative were*

Messrs. Albertson, Allison, Arnold, Blair, Boon, Bright, Brown, Bryce, Carr of J., Carr of L., Champer, Clymer, Cogswell, Cotton of S., Cutter, Devin, Dole, Dumont, Egelston, Eldridge, Field, Flint, Graham, Helmer, Hendricks, Herriman, Hurst, Judah, Kilgore, Kinney, Lane, Major, Marshall, Mason, Matson, McClure, Milroy, Morgan, Owen, Parker, Peaslee, Powell, Rose, Smydth, Terrell, Thompson, Townsend, Willey, Williams, Wilson of M., Wyman, and Mr. Speaker—52.

*Those who voted in the negative were*

Messrs. Baker, Bowles, Chapman, Cooper, Conaway, Cotton of P., Glass, Gregory, Hanna, Healey, Hubbard, Hunt, Jackson, Johnson of Marion, Johnston of Monroe, Jones, Kenton, Lee, Lewis, Monroe, Nelson, Puett, Reily, Rush, Sands, Spann, Stewart, Truelock, and Vance—29.

So said bill was ordered to be engrossed.

On motion, the rules were suspended for the purpose of reading said bill a third time now;

And the question being on its passage;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Arnold, Blair, Brown, Bryce, Carr of J., Carr of L., Champer, Cline, Clymer, Cotton of S., Cutter, Devin, Dole, Egelston, Eldridge, Graham, Helmer, Hendricks, Herriman, Hurst, Judah, Kilgore, Kinney, Lane, Major, Marshall, Mason, McClure, Milroy, Morgan, Owen, Peaslee, Powell, Rose, Smydth, Thompson, Townsend, Willey, Williams, Wilson of M., Wyman, and Mr. Speaker—43.

*Those who voted in the negative were*

Messrs. Albertson, Arnold, Blair, Bowles, Brenton, Chapman, Cooper, Cogswell, Conaway, Cotton of P., Dumont, Flint, Glass, Gregory, Hanna, Healey, Hunt, Jackson, Johnson of Marion, Jones, Kenton, Lee, Lewis, McNary, Monroe, Morrow, Nelson,

Parker, Proffitt, Reynolds, Reily, Rush, Sands, Spann, Stewart, Truelock, and Vance—36.

So said bill passed.

*Ordered*, That the Senate be informed thereof.

Mr. Herriman, from a select committee reported bill

No. 464, to vacate a State road therein named;

Which was read three times and passed.

*Ordered*, That the Senate be informed thereof.

On motion the House adjourned.

*Two o'clock, P. M.*

The House met.

Mr. Bright, (on leave) from the committee on corporations, reported back to the House, bill

No. 426, to incorporate the town of Laporte;

Which was read a second and third times and passed.

*Ordered*, That the Senate be informed thereof.

Mr. Wyman from a select committee made the following report:

**MR. SPEAKER—**

The committee to whom was referred the bill organizing medical societies, and regulating the practice of physic and surgery in the State of Indiana, have had the same under consideration and directed me to report the same back with one amendment. After the word "States" in the 24th section, insert the words, "*or mercurial preparations*," and with that amendment to recommend its passage.

In which the House concurred.

When on motion of Mr. Champer, said bill was laid on the table.

On motion of Mr. Eldridge, bill

No. 201, (Senate) to authorize the mutual transfer of certain school funds between the townships of Eel and Noble, in Cass county;

Was taken from the table and referred to the judiciary committee,

When Mr. Judah made the following report:

**MR. SPEAKER—**

The judiciary committee to which the bill No. 201 of the Senate to repeal an act entitled An act to authorize the mutual transfer of certain school funds between the townships of Eel and Noble, in Cass county, and also, the remonstrance of James Hood and others of Noble township were referred, have had the same under consideration, are of opinion that the act proposed to be repealed, is contrary to the the terms of the grant of 16th sections to congressional townships, and therefore recommend the passage of said bill

No. 201, of the Senate;

Said bill was read a second and third times and passed.

The House now resolved itself into committee of the whole on bill No. 431, making specific appropriations for the year 1839;

Mr. Bryant in the chair, and after some time spent therein, the committee arose and the chairman reported the bill to the House with sundry amendments, in which the concurrence of the House was requested,

When the question recurred on concurring in the first amendment, which was to allow the secretary and assistant secretary of the Senate and the principal and assistant clerk of the House, the sum of five dollars per day each for their services,

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Baker, Bowles, Bryant, Bryce, Chiles, Cooper, Cotton of P., Cotton of S., Cutter, Devin, Egbert, Egelston, Field, Graham, Gregory, Hanna, Healey, Hendricks, Herriman, Hurst, Jackson, Jones, Judah, Kilgore, Kinney, Lee, Major, Marshall, Mason, McClure, McCormick, Monroe, Morgan, Morrow, Owen, Parker, Proffitt, Puett, Rush, Sands, Smydth, Stewart, Terrell, Thompson, Truelock, Vance, Willey, Williams, Wilson of H., and Mr. Speaker—51.

*Those who voted in the negative were*

Messrs. Arnold, Blair, Boon, Brenton, Carr of J., Carr of L., Champer, Chapman, Cline, Clymer, Cogswell, Conaway, Dole, Glass, Helmer, Hubbard, Johnson of Marion, Johnston of Monroe, Kenton, Lewis, Nelson, Noel, Peaslee, Powell, Reynolds, Reily, Rose, Spann, Townsend, Wilson of M., and Wyman—31.

So the House concurred in said amendment.

The House then concurred generally in the remainder of the amendments.

Said bill was then read a third time, and the question being, Shall it pass?

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Allison, Baker, Boon, Bowles, Bryant, Bryce, Carr of J., Clymer, Cogswell, Cooper, Cotton of P., Cotton of S., Devin, Dumont, Egbert, Egelston, Field, Graham, Gregory, Hanna, Healey, Hendricks, Herriman, Hurst, Jackson, Jones, Kenton, Kilgore, Kinney, Lee, Marshall, Monroe, Morrow, Owen, Parker, Peaslee, Puett, Reily, Smydth, Thompson, Williams, Wilson of H., and Mr. Speaker—45.

*Those who voted in the negative were*

Messrs. Arnold, Blair, Brenton, Carr of L., Champer, Chapman, Chiles, Conaway, Dole, Glass, Helmer, Hubbard, Johnson of Marion, Johnston of Monroe, Lewis, Major Mason, Milroy, Morgan, Nelson, Noel, Powell, Reynolds, Rose, Rush, Sands, Spann, Townsend, Truelock, Willey, Wilson of M., and Wyman—32.

So said bill passed.

*Ordered*, That the Senate be informed thereof.

Mr. Lee introduced bill

No. 466, to amend an act to authorize Samuel Patterson to build a bridge;

Which was read three times and passed.

Mr. Kilgore, bill

No. 467, to provide for the empannelling juries in certain cases; Which was read twice, and

On motion of Mr. Brenton, laid on the table.

Mr. Milroy from a select committee, reported bill

No. 248, to regulate the State prison, with amendments,

In which the House concurred,

When said bill was ordered to be engrossed for a third reading.

Mr. Bright introduced bill

No. 468, supplemental to an act reducing the board of fund commissioners;

Which was read three times and passed.

Mr. Truelock made the following report:

**MR. SPEAKER—**

The select committee to whom was referred the petition and remonstrance of sundry citizens of the county of Jefferson, praying a part of the county of Jefferson to be attached to the county of Scott, and a bill on the same subject, together with the petition of a number of the citizens of Scott county, have, according to order, had the same under consideration, and have directed me to report the bill back to the House with an amendment, to wit: Strike it out from the enacting clause and insert the following as a substitute, A bill entitled A bill to attach part of the county of Jefferson to the county of Scott, in which the concurrence of the House is respectfully requested.

Said bill was read twice, and,

On motion of Marshall, laid on the table.

Mr. Chapman from a select committee, reported bill

No. 469, to locate a State road therein named;

Which was read three times and passed.

Mr. Monroe introduced bill

No. 470, for the formation of a bank district;

Which was read twice, and

On motion of Mr. Flint, laid on the table.

Mr. Kinney made the following report:

MR. SPEAKER—

The committee on education, to whom was referred bill of the Senate 127, An act to enable the several school commissioners to distribute certain school funds derived from the surplus revenue, lands forfeited for non payment of taxes, and the sum heretofore set apart for common school purposes, from poll tax, have, according to order, had the same under consideration, and amended the same by striking out the words "publication in the Indiana Journal and Democrat," and inserting the word "passage."

In which the House concurred.

When said bill was ordered to be engrossed for a third reading.

Mr. Powell made the following report:

MR. SPEAKER—

The select committee to which was referred the annual report of the commissioner of the Michigan road, have had the same under consideration, and have carefully examined the same, and although they are convinced that the last annual allowance was not a sufficient compensation for his services, yet the committee are not in possession of sufficient information to enable them to arrive at any definite conclusion as to the extent of the allowance, that ought be made to said commissioner, they therefore ask to be discharged from the further consideration of the report, and recommend the same to be printed for the documentary journal.

In which the House concurred.

Mr. Peaslee made the following report:

MR. SPEAKER—

The committee to whom was referred a bill of the House, No. 36 entitled An act to amend an act regulating the jurisdiction and duties of justices of the peace, approved February 17th 1838, have directed me to report the same back with the following amendments:

1st. Strike out the following words in the first sections to wit, "that he has used due diligence to procure such testimony setting forth in what such diligence consists, in order that the justice may judge whether the necessary dilligence has been used.

2d. Also strike out the second section.

In which the House concurred,

When said bill was ordered to be engrossed for a third reading.

On motion the House adjourned.

FRIDAY, FEBRUARY 15, 1839.

House met pursuant to adjournment.

The following messages were received from the Senate by Mr. Test, their Secretary:

Mr. SPEAKER—

The Senate has passed a joint resolution,  
No. 290, relative to the Spencer and Terre Haute McAdamized Turnpike Road company;

In which the concurrence of the House is respectfully requested.

Mr. SPEAKER—

The Senate has concurred in the amendments of the House to the following bills of Senate, to-wit:

No. 124, An act supplemental to an act to incorporate the Connersville and Fort Wayne Savings Institution and Insurance company, approved February 8, 1836;

No. 125, An act to amend an act entitled An act to organize Probate courts, and defining the powers and duties of Executors, Administrators, and Guardians, approved February 17, 1838; and,

No. 105, An act to incorporate the Hancock Guards, and for other purposes.

Mr. SPEAKER—

The Senate has passed engrossed bills of the House, as follows viz:

No. 351, An act for the relief of J. H. McMaken and Elias Murray;

No. 244, An act to change the name of the town of Ceylon to Andersonville;

No. 242, An act to locate a State road in the county of Dearborn;

No. 253, An act to locate a State road from the Ohio State line to Newport, in Wayne county;

No. 274, An act to legalize the acts of Jane Owens, Executrix of the last will and testament of Samuel Owens, deceased;

No. 243, An act to amend an act entitled An act to authorize a location of a State road from Salem, in Washington county, to Charlestown, in Clarke county, approved February 1, 1838;

No. 227, An act to incorporate the Vevay Steam Mill and Manufacturing company;

No. 361, An act to amend an act entitled An act incorporating congressional townships, and providing for public schools therein, approved February 17, 1838:

No. 234, An act to repeal an act appropriating the three per cent. fund of Jasper county;

No. 394, An act authorizing the several boards doing county business in this State, to sell and convey real estate;

No. 298, An act for the relief of John Miller and Levina Miller, his wife;

No. 467, An act supplemental to the act to reduce the Board of Fund commissioners;

No. 333, An act relative to the election of an additional Justice of the Peace in Harrison township, in the county of Clay;

No. 323, An act for the relief of Jonathan Legg;

No. 334, An act to create the office of Private Secretary to the Governor;

No. 343, An act to relocate a part of the State road from Rockville to Covington;

No. 345, a memorial and joint resolution, (of the House,) in relation to the navigation of Lake Michigan; and

No. 296, An act to amend an act organizing Circuit Courts, and defining their powers and duties, approved January 24, 1831;

Each without amendment.

MR. SPEAKER—

The Senate has passed an engrossed bill of the House,

No. 377, to incorporate the Spencer and Terre Haute McAdamized Road company, without amendment.

MR. SPEAKER—

The Senate has concurred in the amendments of the House to the bills of the Senate,

No. 218, An act to locate a State road in Wayne county; and,

No. 46, An act to authorize persons to remove fences made by mistake on the lands of other persons.

Also, the Senate has passed engrossed bills of the House as follows, viz:

No. 246, An act to legalize the proceedings of the Commissioners of Jasper county;

No. 243, An act to amend an act to authorize a location of a State road from Salem, in Washington county, to Charlestown, in Clarke county, approved February 1, 1838;

No. 261, An act to incorporate the Working Man's Institute for Mutual Instruction;

No. 458, An act to change the name of Parkersburgh, in Montgomery county;

No. 159, An act to provide for the survey of a road from Charlottsville, in Hancock county, via Rushville, to the White Water canal;

No. 457, An act concerning Lost creek;

- No. 175, An act relative to the practice in circuit courts;  
 No. 370, An act to provide for the election of a Justice of the Peace in the town of Lockport, Vigo county;  
 No. 312, An act to legalize certain proceedings in Martin county;  
 No. 326, An act relative to the county boundary between the counties of Warrick and Spencer;  
 No. 432, An act to amend an act providing for commissioning Sheriffs, and Coroners, and to regulate their duties, approved January 7, 1824;  
 No. 390, An act to provide for the election of a Justice of the Peace in the town of Moscow, in Rush county; and,  
 No. 289, An act supplemental to an act entitled An act for the appointment of trustees to receive deeds for lots or lands, given or purchased for the use of schools, meeting houses, or Masonic Lodges, approved February 10, 1831;  
 Each without amendment.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House of Representatives,

No. 395, entitled An act providing for a distribution of the three per cent. fund of Dearborn county, without amendment.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bill

No. 325, An act directing the leasing of the water power at the Wabash dam, near Delphi, with an amendment,

In which the concurrence of the House is respectfully requested.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the bill of the House,

No. 467, entitled A bill to provide for empanneling jurors in certain cases, in the 11th judicial circuit, without amendment.

The following message was received from his Excellency the Governor, by John M. Wallace, his Secretary:

MR. SPEAKER—

I am directed by his Excellency the Governor, to inform the House of Representatives, that he has approved and signed the following bills, which originated in the House of Representatives:

No. 219, An act to reduce the Board of Fund Commissioners;

No. 340, An act to incorporate the city of New Albany, and to repeal all laws in force incorporating the town of New Albany;

No. 449, An act fixing the salaries of members of the Board Internal Improvement;

No. 262, An act to incorporate the Greenfield Turnpike and Trust company;

25, An act to authorize two additional Justices of the Peace in Shelby county;

No. 231, An act relative to the town of Evansville;

No. 389, a joint resolution relative to the early completion of the Wabash and Erie canal, lying within the State of Ohio;

No. 351, a joint resolution relative to a mail stage route;

No. 271, An act to legalize the acts of the Board of Justices in Crawford county;

No. 254, An act to legalize the acts of Amory McGee, of Brown county;

No. 149, An act to authorize the refunding of money in certain cases;

No. 333, An act to provide for the relocation of the seat of Justice of Lake county;

No. 297, An act for the relief of Matthew Greggs;

No. 185, An act to amend the act to regulate the mode of doing county business in the several counties in this State, approved January 17, 1838;

No. 365, An act pointing out the mode of levying taxes, and fixing the per centum for State purposes.

Mr. Carr reports:

#### MR. SPEAKER—

The joint committee on enrolled bills have compared the enrolled with the engrossed bills of the Senate, entitled Acts, as follows:

No. 125, An act to amend an act entitled An act to organize Probate courts, and defining the powers and duties of Executors, Administrators, and Guardians, approved February 17, 1838;

No. 190, An act to incorporate the Noblesville Insurance company;

No. 124, An act supplemental to an act to incorporate the Connersville and Fort Wayne Savings Institution and Insurance company, approved February 8, 1836;

No. 105, An act to incorporate the Hancock Guards and for other purposes;

No. 241, An act authorizing the appointment of assessors in the county of Orange;

No. 242, An act to incorporate the Bedford Band of Musicians;

No. 35, An act extending the jurisdiction of Justices of the Peace to fifty dollars in actions of trespass;

No. 32, An act to amend an act relative to county boundaries;

No. 39, a joint resolution for the benefit of John R. Welsh, late collector of Clarke county;

No. 16, An act to incorporate the Richmond and Boston Turnpike company;

No. 55, An act to establish a certain State road therein named;

No. 52, An act declaring certain names misprint;

No. 129, An act to amend an act entitled An act for the incorporation of county Libraries;

No. 152, An act to incorporate the Bloomington Band;

No. 71, An act to locate a State road from the Fort Wayne State road, in Decatur county, to Hartsville, in Bartholomew county;

No. 86, An act to establish a State road in the county of Morgan;

No. 91, An act legalizing the proceedings of the commissioners of Whitley county;

No. 202, An act to amend an act entitled An act to incorporate the city of Logansport, approved February 17, 1838;

No. 73, An act to relocate a part of the State road leading from Indianapolis, via Shieldsville and Knightstown, to Miamiesport, &c.;

No. 165, An act to provide for a Justice of the Peace in Eagle village, Boon county;

No. 214, An act amendatory to an act incorporating the town of Indianapolis, in Marion county, approved February 17, 1838;

No. 235, An act to amend an act entitled An act to regulate the mode of summoning and empanneling grand and petit jurors, approved February 17, 1838;

No. 230, An act for the benefit of certain owners of lots in the town of Jeffersonville;

No. 215, An act relating to the trustees of the town of Paris, in Jennings county;

No. 145, An act for the relief of John Busby;

No. 61, An act amendatory to an act entitled An act organizing Probate courts, &c.;

No. 131, An act for the benefit of the Grand Lodge of the Independent Order of Odd Fellows, of Indiana.

No. 212, An act for the relief of Clinton C. Owens;

No. 173, a joint resolution to authorize the Secretary to perform an act therein named;

No. 225, An act to amend an act entitled An act authorizing the sale of certain seminary lands in Monroe county, approved February 4th, 1837;

No. 115, An act for the relief of Joshua Wilson, of Morgan county;

No. 231, An act to extend the privileges granted to the Salem Savings Institution;

No. 216, An act for the relief of Thomas Strong;

No. 124, a joint resolution relative to the Great St. Joseph river;

No. 252, An act for the formation of school district number one, in Morgan county;

No. 227, An act to amend an act entitled An act to incorporate the Richmond and Brookville Canal company, approved February 17, 1838;

No. 233, An act for the formation of a school district in Monroe county;

No. 210, An act to revive and amend an act to incorporate the town of Bethlehem, in Clark county, approved February 4, 1837;

No. 139, An act for the relief of Gideon Conklin and Frederick Ettzroth.

Mr. Morgan reports:

MR. SPEAKER—

The joint committee on enrolled bills report that they have this day compared the following engrossed bills of the Senate with the enrolled bills, and find the same correctly enrolled, viz:

No. 108—An act to incorporate town of Pendleton in the county of Madison;

No. 70—An act too incorporate the Indiana Medical Institute;

No. 108—An act to authorize the location of a state road leading from Allisonville to Franklin, via Johnson's mills on Fall creek;

No. 83—An act to amend An act relative to county boundaries;

No. 246—An act to provide for the selection and summoning of grand and petit jurors for the counties of Carroll and Clinton at the April term of the Carroll and Clinton circuit courts, 1839;

No. 138—An act establishing a state road therein named;

No. 84—An act to incorporate the Young Men's Literary Association of Richmond, Wayne county, Indiana;

No. 62—An act to authorize the circuit court of Hamilton county to change the venue in a certain case therein named;

No. 243—An act to amend an act entitled An act to appropriate the three per cent fund in certain counties therein named, approved Feb 4, 1837;

No. 250—An act to incorporate the Centreville Musical Institute;

No. 64—An act to incorporate the Glenhope Manufacturing company.

Mr. Hubbard reports:

MR. SPEAKER—

The joint committee on enrolled bills have compared the engrossed with enrolled bill of the following title, to-wit:

No. 185—An act to incorporate the New Albany and Georgetown turnpike company,

And find the same truly enrolled.

Mr. Morgan reports:

Mr. SPEAKER—

The joint committee on enrolled bills have compared the enrolled with the engrossed bills of the House, of the following titles, to-wit:

No. 365—An act pointing out the mode of levying taxes and fixing the per centum for state purposes;

No. 234—An act to repeal an act appropriating part of the three per cent. fund of Jasper county;

No. 261—An act to amend an act incorporating congressional townships and providing for public schools;

No. 343—An act to relocate a part of the state road from Rockville to Covington;

Mr. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills of the House with the enrolled bills, and find the same correctly enrolled, viz:

No. 167—An act to amend the act entitled An act to provide for the electing county and township officers;

No. 267—An act to incorporate the Citizens' Canal Basin in Milton, Wayne county, Indiana;

No. 323—An act for the relief of Jonathan Legg;

No. 344—An act to provide for the election of a justice of the peace in the town of Montezuma, Parke county.

Mr. Noel reports;

Mr. SPEAKER—

The joint committee on enrolled bills report, that they have this day compared the enrolled with the engrossed bills of the House, as follows, to-wit:

No. 395—An act providing for a distribution of the three per cent. fund of Dearborn county;

No. 351—An act for the relief of J. H. McMacken and Elias Murray;

No. 17—An act for the relief of the heirs of William Huddleston, Thomas Huddleston, and Robert Huddleston;

No. 275—A joint resolution on the subject of the Lawrenceburgh and Indianapolis Railroad;

And find the same correctly enrolled.

The following additional message was received from the Senate by Mr. Test, their secretary;

Mr. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill,

No. 254 of the Senate, entitled An act to define the boundaries of the counties of St. Joseph, Marshall, Laporte, Stark, Porter, and Lake; In which the concurrence of the House of Representatives is respectfully requested.

Said bill was read three times and passed.

MR. SPEAKER—

The Senate has passed an engrossed joint resolution of the House, No. 275, entitled a joint resolution on the subject of the Lawrenceburgh and Indianapolis Railroad company,

With an amendment, in which the concurrence of the House is respectfully requested.

The House concurred in the Senate's amendment.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 167—An act to amend the act entitled An act to provide for electing county and township officers,

Without amendment,

Also, the Senate has passed engrossed bills thereof as follows, viz:

No. 96—An act to change a part of the Knightstown and Bluntsville state road; and

No. 260—An act relating to burying grounds;

In which the concurrence of the House is respectfully requested.

Nos. 96 and 260 above mentioned were read three times and passed.

Message from the Senate:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House, as follows:

No. 17—An act for the relief of the heirs of William Huddleston, Thomas Huddleston, and Robert Huddleston; and

No. 265—An act to incorporate the Citizens' Canal Basin in Milton, Wayne county;

Each with an amendment, in which the concurrence of the House is requested.

Also, the Senate has passed engrossed bills thereof, as follows:

No. 89—An act to amend an act entitled An act regulating grist mills and millers;

No. 251—An act supplemental to An act for the benefit of Catharine Falkner, approved Feb. 6, 1839;

In which also, the concurrence of the House is requested.

The House concurred in the amendments of the Senate, made to Nos. 17 and 265, in said message mentioned.

No. 251, was read three times and passed.

No. 89, was read twice, when,

Mr. Gregory moved to indefinitely postpone it;

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Baker, Boon, Bowles, Bryant, Bryce, Carr of J., Carr of L., Chiles, Cline, Clymer, Cogswell, Conaway, Cotton of P., Cotton of S., Devin, Dole, Dumont, Glass, Graham, Gregory, Hanna, Helmer, Hendricks, Herriman, Johnson of Marion, Johnson of Monroe, Jones, Kenton, Major, McCormick, McNary, Monroe, Nelson, Noel, Parker, Proffitt, Reynolds, Sands, Spann, Stewart, Townsend, Vance, Wilson of H., and Wilson of M.—44.

*Those who voted in the negative were*

Messrs. Alley, Arnold, Blair, Champer, Chapman, Cooper, Egbert, Egelston, Eldridge, Hubbard, Hunt, Hurst, Jackson, Judah, Kilgore, Kinney, Lewis, Marshall, Milroy, Morgan, Morrow, Peaslee, Powell, Reily, Rose, Terrell, Thompson, Truelock, Willey, Williams, and Wyman—31.

So said bill was indefinitely postponed.

The following message was received from the Senate:

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill thereof,

No. 255, to legalize the proceedings of the board of commissioners of the county of St. Joseph;

In which the concurrence of the House of Representatives is respectfully requested.

Said bill was read three times and passed.

Nr. Noel entered the following protest:

The undersigned, in the exercise of a constitutional right, presents the following protest against the passage of bill No. 115 of the House, entitled "a bill to change the name of certain persons therein named and for other purposes."

This bill provides for changing the paternal name of five children, born of respectable parents, from Inman to that of Owens. The preamble to this bill states that Mr. Owens having married the widow of Mr. Inman, became desirous of adopting her children by her former husband as his own, and making them his heirs.

The undersigned protests against the passage of this bill for the following reasons, to-wit:

1st. Because it changes the name of minors who are not competent to make any opposition to it.

2d. Because there is in the bill, to all intents and purposes, a bribe offered to these children to commit the grossest act of ingratitude towards their legitimate father, by substituting the name of a personal benefactor for his; an act that it would seem no person having a respectable parentage could commit without being influenced by some improper considerations.

3d. Because the father has an unalienable right to transmit his name from generation to generation through his legitimate male children, a right violated in this bill.

4th. Because it is palpably wrong to change the paternal name of any man's children unless we are willing that the names of ours should be changed under like circumstances.

WM. T. NOEL.

Mr. Milroy presented the petition of Robert English and Michael English praying for relief for work done on the Wabash and Erie canal;

Also, joint resolution

No. 471, relative to section 21, west of the Tippecanoe;

Which was read twice and passed to a third reading.

Mr. Townsend from a select committee, reported bill

No. 184, to incorporate the Greencastle Savings Institution, with sundry amendments,

Sec. 2. Strike out in the fourth line, "five hundred" and insert "fifty," and after the word "each" in the fourth or fifth line, insert "that no company, firm or individual shall own at any time more than fifty shares of the stock in said corporation."

Sec. 9. Strike out "four hundred" and insert "five hundred," after the word "stock" in the fourth or fifth line insert "one-fourth part," strike out these words, "such part thereof" following the word "stock," strike out after the word "cash," to the word "balance," in the 5th or 6th line.

Sec. 11. Strike out after the word "debts" in the 4th or 5th line, "or in the stock of any chartered bank or banks in this or any other State." Strike out the balance of the section after the word provided, insert "that contracts for interest shall not be at a higher rate than is allowed by law to individuals at the time of such contract."

Sec. 18. Strike out the previous part of the section, and include the word "provided."

Insert "and," add the following section:

Sec. 20. The directors at no time shall be allowed to borrow money out of any branch of the State bank of Indiana. Strike out the names of Daniel Sigler and John Chiles from the 1st section.

Sec. 21. No person shall be a director of this institution who is a director of any branch of the State Bank of Indiana, omitted in second section, insert after the word "same," in or near the the last line,

"one fourth part of the stock subscribed in cash," and strike out the balance of the section.

Mr. Boon moved to lay said bill on the table, which did not prevail.

Mr. Clymer moved the previous question, which was seconded.

The main question was then put, which was,

Shall the bill pass to a third reading?

Which passed in the affirmative.

Mr. Kilgore moved to suspend the rules and read the bill a third time now,

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Alley, Brenton, Bryant, Bryce, Carr of J., Champer, Chiles, Clymer, Cogswell, Cotton of P., Cotton of S., Cutter, Dole, Egbert, Field, Flint, Hanna, Hendricks, Hunt, Jackson, Jones, Kenton, Kilgore, Marshall, Mason, McCormick, Morgan, Noel, Parker, Proffitt, Puett, Rose, Sands, Spann, Stewart, Thompson, Vance, Willey, Wilson of H., Wilson of M., and Mr. Speaker—42.

*Those who voted in the negative were*

Messrs. Blair, Boon, Bowles, Chapman, Cline, Cooper, Dumont, Glass, Graham, Gregory, Herriman, Hubbard, Hurst, Johnson of Marion, Johnston of Monroe, Kinney, Major, Nelson, Powell, Reynolds, Rush, Townsend, Truelock, and Williams—24.

So the rule was suspended.

The question then recurred on the passage of the bill,

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Albertson, Allison, Baker, Bowles, Brenton, Bryant, Bryce, Carr of J., Champer, Chiles, Clymer, Cogswell, Cooper, Conaway, Cotton of P., Cutter, Devin, Dole, Egbert, Egelston, Eldridge, Field, Flint, Graham, Hanna, Helmer, Hendricks, Hubbard, Hunt, Jackson, Johnston of Monroe, Jones, Kenton, Kilgore, Marshall, Mason, McClure, Monroc, Morgan, Morrow, Noel, Parker, Perine, Proffitt, Puett, Reily, Rose, Sands, Smydth, Stewart, Thompson, Willey, Williams, Wilson of H., Wilson of M., and Mr. Speaker—57.

*Those who voted in the negative were*

Messrs. Blair, Chapman, Cline, Dumont, Glass, Gregory, Hurst, Johnson of Marion, Lewis, Major, McNary, Nelson, Powell, Reynolds, Spann, Terrell, Townsend, Truelock, and Vance—19.

So said bill passed.

Mr. Hunt introduced bill

No. 473, to incorporate the Deerfield and Marion turnpike company;

Which was read twice and laid on the table.

On motion of Mr. Noel, bill

No. 20, of the Senate, respecting roads in Park county, was taken from the table, and on his motion the amendment of the Senate was concurred in with an amendment.

Mr. Mason from the committee on the canal fund reports:

**MR. SPEAKER—**

That part of the joint committee on the canal fund, appointed on the part of the House, proceeded to the discharge of the duty assigned the committee by law, and directed me to make the following report:

That they have, in pursuance of the 23d section of an act entitled An act to provide for the further prosecution of the Wabash and Erie canal, and for other purposes, approved February 6th, 1835, proceeded to examine the books of the fund commissioners, and auditor of State; both as relates to the Wabash and Erie canal, and the receipts and expenditures under the internal improvement act, approved January 27th, 1836.

The committee have examined the report of the fund commissioners made to this House under date of January 23d 1839, and compared the same with the books in their office, and find the same correct.

The books in this department are kept in a satisfactory manner, and the proper vouchers corresponding to the disbursements are regularly filed in good order in said office.

The committee did not to any extent examine and compare said vouchers with the accounts as directed by the 8th section of an act entitled An act providing means for the Wabash and Erie canal, approved February 1st, 1834, believing the same unnecessary, in consequence of the admirable system which has been adopted for the keeping the receipts and expenditures of the entire internal improvement fund.

As now arranged, three complete sets of books are kept; one in the office of fund commissioners, one in the board of internal improvement, and one in the auditor's office, and are made up from accounts returned to each of said offices by the proper officers, accompanied with proper vouchers.

The comparison of the books in the several offices, and their agreement is the evidence of correctness.

The committee have examined the report of the auditor herewith accompanying and made a part of this report, and compared the same with the papers now on file in said auditor's office, and find it correct, and agreeing with the report of the fund commissioners before referred to, and the books in their office. As far as the books in

the auditor's office are made up they are kept in a manner highly creditable to that officer.

No provisions have been made by law for the registering in the auditor's office of the quarterly reports of the collectors of tolls upon the public works, as required to be returned to said office, by the 48th section of an act entitled An act for the preservation of the canal belonging to the State, and for the collection of tolls thereon, and for other purposes, approved February 19th, 1838.

As this will soon become an important interest to the State, and the duty of collecting will devolve upon a large number of individuals it is all important that the returns should be regularly made and registered in the Auditor's office, as a check upon this branch of the public service.

By the 8th section of an act entitled An act supplemental to an act providing means for the construction of the Wabash and Erie canal, approved January 9th 1832, which is believed to be now in force, it is provided that duplicates of all contracts made on account of construction of any of the public works, one of which is required to be filed in the office of fund commissioners, it is thought by the committee that triplicates of those contracts should be taken, one copy of which should be filed and registered in the Auditor's office in proper books to be kept for that purpose, the necessity of this course from the occurrences in this House the present session is but too obvious, and the committee forbear further comment upon this subject.

The various quotations made from the several enactments upon the subjects treated in this report, it will be perceived that the law in relation to the duties enjoined upon the officers connected with the receipts and disbursements of the monies provided for the construction of the public works calls loudly for a thorough revision.

It was not until the 23d of last month that settlements were closed between the several boards for the past year, and consequently your committee were not able to proceed with the proper examination of this subject until after that time, since which the committee have not had time from other duties to digest and report a bill upon a matter of so much importance as is the one embraced in this subject.

In the absence of all precedent in the discharge of the high and important duty assigned the committee, the committee have been directed by their own sense of duty and propriety.

In the examination of the receipts and expenditures in the fund commissioners office the committee went back to the commencement of the business in that office, and examined the books up to the first day of January last inclusive, as set out in the report of said commissioners before referred to.

The examinations in the Auditor's office commenced with the annual report of the fund commissioners, as set out in the Auditors report herewith accompanying, and before referred to; this was made the basis of the action of the Auditor under the 21st section of an act, approved February 6th, 1835, herein before referred to. By this act the fund commissioners were required to make semi annual reports to

the auditor's office of all receipts and disbursements on the first day of June and December.

In order to ascertain whether the books in the auditor's office and those in the office of fund commissioners would agree and balance, the committee directed the auditor to procure from the last named office the receipts and expenditures up to the time included in the report of the fund commissioners before referred to.

By the operation of the 15th section of the internal improvement act, approved January 27th, 1836, the auditor is entitled to receive the sum of \$7 50, for his services as required by that section for the past year and will be entitled to receive the same amount for the present; an amount entirely beyond a fair compensation for said services, which amount comes out of the internal improvement fund, but if his compensations for this be reduced, his salary for other services should be increased as the entire compensation which he now receives is thought to be too low.

In concluding this part of the report, the committee would recommend that a fixed time in each year, be provided for the closing of accounts in each of the officers connected with internal improvement.

The committee in answer to a resolution of the House, instructing them to inquire into and report the whole amount of exchange between this State and the eastern States upon drafts drawn upon moneys borrowed for internal improvement purposes as received by the State Bank &c., beg leave to refer the House to the letter of S. Merrill under date, January 11th, 1839, in answer to one from the chairman of the committee, and herewith accompanying this report. The statements contained in said letter of S. Merrill, your committee believe to be correct, or as near so as can be ascertained. The committee would also refer the House to the latter part of a communication from the board of fund commissioners, under date of 9th of January, 1839, in answer to a letter from the chairman of the committee, which communication is herewith accompanying and made a part of this report.

The committee would further state that they have examined the correspondence between several of the branches of the State bank and fund commissioners, and find that several of the branches have agreed to disburse for the year 1839, on the same terms that they did the last year.

The probable low rate of exchange between this State and the eastern cities that will obtain during the present year, it is thought that this arrangement is highly favorable for the interests of the State.

The committee have directed me to report the following bill,  
No. 474, relative to the duties of officers of State;

Which was read three times and passed.

Bills on their third reading—

No. 163, (House.) for the encouragement of agricultural societies;

No. 161, to encourage the manufacture of silk, salt, and iron;

No. 266, (Senate) to amend an act incorporating the Baileytown and Chicago turnpike company;

No. 53, to amend an act concerning common schools;

No. 229, (House,) to authorize the fund commissioners to convey lands on the part of the State;

No. 178, of the Senate, to amend the act authorizing the distribution of the surplus revenue;

No. 232, to amend the act authorizing the sale of school lands;

Were each read a third time and passed.

The House went into the orders of the day, and took up bills on their second reading.

No. 206, of the Senate, to authorize the relocation of a road therein named;

No. 407, to provide for empannelling jurors in certain cases;

No. 435, to provide for the improvement of the Muskukutuck river;

No. 445, incorporating the Spencer county Institute;

No. 401, incorporating the Orange county Blues;

No. 398, declaring a certain State road vacated;

No. 400, regulating ferries;

No. 403, to amend the act regulating roads and highways;

No. 404, for the relief of the collector of Porter county;

No. 407, to vacate the town of Newmarket;

All of which were read a third time and passed.

On motion of Mr. Flint, bill

No. 414, to amend the act entitled An act organizing probate courts,

Was laid on the table.

No. 425, to provide for building bridges across canals;

No. 444, regulating the erection of bridges on the Central canal;

Each of which, on motion, was laid on the table.

On motion of Mr. Graham, bill

No. 409, to authorize the building of a bridge over Laughrey creek,

Was indefinitely postponed;

No. 402, defining the limits between Clark and Scott counties, and forming a new county,

Was, on motion, indefinitely postponed;

No. 399, to amend an act incorporating the Lawrenceburgh railroad company,

Was read a second time and ordered to be engrossed.

Mr. Smydth moved to take from the table a bill authorizing the construction of a tow path in Clay county;

Which motion did not prevail.

On motion of Mr. Wilson of H., leave of absence was granted to Mr. Lane the balance of the session.

No. 406, to cause a survey of Patoka river to be made;

No. 410, to repeal the 117th section of the act establishing State roads;

No. 205, of the Senate, to vacate a State road therein named;

No. 397, to attach certain territory to Fulton county;

No. 108, (Senate,) to provide for the election of an additional justice of the peace in Clark county;

No. 204, to locate a State road therein named;  
 Each of which was read a second and third time and passed.  
 No. 404 to locate a State road in Clark county;  
 No. 36, to regulate the jurisdiction of justices of the peace;  
 Each of which was on motion laid on the table.  
 No. 471, relative to section No. 21, on Wabash and Erie canal;  
 No. 248, to regulate State prisons;

Mr. Graham introduced bill

No. 176, for the relief of purchasers of canal lands  
 Each of which was read a second and third time and passed.

No. 408, to provide for the construction of the Ohio and Salem  
 turnpike road;

Was indefinitely postponed.

Mr. Truclock from a select committee reported bill

No. 303, defining the boundary lines between the counties of Scott  
 and Jefferson;

Which was read a third time and passed.

No. 48, to provide for the election of collectors of the revenue;

Was read, when Mr. Bowles moved to indefinitely postpone it,  
 And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Allison, Bowles, Brenton, Bryant, Bryce, Carr of J.,  
 Carr of L., Champer, Clymer, Cogswell, Cooper, Cutter, Devin, Dole,  
 Field, Flint, Graham, Gregory, Helmer, Hubbard, Hunt, Hurst,  
 Jackson, Johnston of Monroe, Judah, Kilgore, Lewis, Marshall,  
 Mason, McClure, Noel, Proffitt, Reynolds, Sands, Spann, Stewart,  
 Terrell, Vance, Willey, Wilson of M., and Mr. Speaker.—41.

*Those who voted in the negative were*

Messrs. Albertson, Arnold, Baker, Chapman, Chiles, Cline,  
 Conaway, Cotton of S., Dumont, Egelston, Eldridge, Glass, Hanna,  
 Hendricks, Johnson of Marion, Kinney, Major, Milroy, Morgan,  
 Morrow, Nelson, Owen, Parker, Powell, Puett, Reily, Rose, Rush,  
 Townsend, Truclock Willey, and Wilson of H.—34.

So said bill was indefinitely postponed.

The following message was received from the Senate:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representa-  
 tives that the Senate has passed with one amendment a bill of the  
 House,

No. 279, entitled An act for the relief of William Post;

In which amendment of the Senate to the bill of the House, the  
 concurrence of the House is respectfully requested.

The House concurred in the amendment of the Senate.

On motion, the House adjourned.

*Two o'clock, P. M.*

House met,

Mr. Proffitt introduced bill

No. 477, to locate a State road in Pike county;

Which was read three times and passed.

Mr. Cline, joint resolution

No. 478, of the State of Indiana;

Which was read three times and passed.

On motion of Mr. Noel, bill

No. 374, to incorporate the town of Rockville,

Was taken from the table, read three times and passed.

The following message was received from the Senate by Mr. Test, their secretary:

MR. SPEAKER—

I am directed to inform the House of Representatives that the Senate has passed engrossed bills of the House entitled as follows, viz:

No. 266, An act for the relief of Benoni P. Downs;

No. 259, to amend an act entitled An act to incorporate the Lafayette and Danville rail road company, approved February 5, 1836;

Each with an amendment in which the concurrence of the House is respectfully requested.

The House concurred in the amendments of the Senate to said bills.

Mr. Truelock introduced bill

No. 479, for the relief of Thomas White;

Which was read three times and passed.

Mr. Boon introduced joint resolution

No. 480, to continue the Wabash and Erie canal to Vincennes;

Which was read twice and laid on the table.

Mr. McClure from a select committee reported back to the House, bill

No. 332, relative to the salary of President judges;

Which was laid on the table.

On motion of Mr. Terrell, the vote on the final passage of bill

No. 42, to abolish imprisonment for debt, was reconsidered,

When the House went into committee of the whole on said bill.

Mr. Cutter in the chair, and after some time spent therein, the committee arose, reported the bill back with an amendment, in which the House refused to concur.

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives that they have passed

No. 65, of the Senate, a bill to incorporate the Bedford Presbyterian Church;

In which the concurrence of the House is requested;

Also, No. 260, to amend an act incorporating the town of Terre Haute;

No. 260, was read three times and passed;

No. 65, was read twice, when Mr. Bryce moved to indefinitely postpone it.

And the ayes and noes being requested thereon,

*Those who voted in the affirmative were*

Messrs. Alley, Blair, Boon, Bowles, Bryce, Cline, Cogswell, Conway, Cutter, Graham, Milroy, Monroe, Nelson, Owen, Puett, Reynolds, Smydth, Spann, Stewart and Townsend—20.

*Those who voted in the negative were*

Messrs. Albertson, Arnold, Brenton, Carr of J., Carr of L., Champer, Chiles, Chapman, Cooper, Cotton of P., Cotton of S., Devin, Dumont, Egbert, Egelston, Field, Flint, Hanna, Hendricks, Hubbard, Hunt, Hurst, Jackson, Johnson of Marion, Johnson of Monroe, Judah, Kilgore, Kinney, Major, Marshall, Mason, McClure, Morgan, Morrow, Noel, Proffit, Powell, Rose, Rush, Terrell, Thompson, Truelock, Vance, Willey, Wilson of H., Wilson of M. and Mr. Speaker—47.

So said bill was not indefinitely postponed;

On motion, said bill was read a third time and passed.

The following message was received from the Senate by Mr. Bowen, a member;

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives that they have passed an engrossed bill thereof,

No. 163, entitled An act to provide for the selection of lands accruing to the State of Indiana under the act of Congress of the 2nd March 1837, and applicable to the construction of the Wabash and Erie canal west of Tippecanoc river;

In which the concurrence of the House is most respectfully requested;

Said bill was read three times and passed.

Mr. Thompson offered for adoption the following preamble and resolution:

Whereas, John Livingston, Editor of the Indiana Democrat, has insulted this House by assailing the character and impeaching the motives of its members in the discharge of their duty, and whereas, said Livingston has pronounced a report of a committee of this House false which had been concurred in by a unanimous vote; thereupon,

*Resolved*, That the article in the last Democrat (under the editorial head,) is considered an insult to this House, and that John Livingston be expelled from his seat within the bar of this House as reporter.

And the ayes and noes being requested thereon;

*Those who voted in the affirmative were*

Messrs. Alley, Allison, Arnold, Blair, Brenton, Bryant, Bryce, Carr of J., Carr of L., Champer, Chiles, Cogswell, Cooper, Cotton of P., Cotton of S., Cutter, Devin, Dole, Egbert, Egelston, Eldridge, Field, Flint, Graham, Gregory, Hanna, Helmer, Hubbard, Hunt, Hurst, Jackson, Johnson of Monroe, Kenton, Kilgore, Kinney, Lewis, Marshall, Mason, McClure, Milroy, Morgan, Morrow, Noel, Powell, Proffit, Puett, Reily, Rose, Rush, Spann, Terrell, Thompson, Townsend, Truelock, Vance, Willey, Williams, Wilson of H., Wilson of M. and Mr. Speaker—57.

*Those who voted in the negative were*

Messrs. Baker, Bowles, Chapman, Cline, Conaway, Dumont, Glass, Judah, Major, Reynolds and Stewart—11.

So said resolution was adopted.

Mr. Smydth was excused from voting, being the member against whose character in particular the editorial in the Democrat was intended to operate.

On motion, the House adjourned.

SATURDAY, FEBRUARY 16, 1839.

House met pursuant to adjournment.

Mr. Gregory made the following report, in which the House concurred:

MR. SPEAKER—

The select committee to whom was referred the remonstrance of G. F. Lucas and others, against the repeal of an act of the General Assembly, establishing a certain State road therein named, have had

the same under consideration and have directed me to report that there has already an act passed for the repeal of said law, and that further legislation on that subject is inexpedient at this time, and your committee ask to be discharged from the further consideration thereof.

The following message was received from the Senate by Mr. Test, their Secretary.

**Mr. SPEAKER—**

The Senate has passed an engrossed bill of the House No. 431, entitled An act making specific appropriations for the year 1839,

With sundry amendments in which the concurrence of the House is respectfully requested.

The House concurred in the 2d, 3d, 4th, 7th, 9th, 11th, 12th, and 13th amendments, and refused to concur in the 15th and 17th amendments, and concurred in the first with an amendment.

The following message was received from the Senate by Mr. Test, their Secretary.

**Mr. SPEAKER—**

The Senate has concurred in the 1st and 2nd amendments of the House to the amendments of the Senate to the bill of the House,

No. 431, entitled An act making specific appropriations for the year 1839, the 2nd amendment with an amendment, in which the concurrence of the House is requested.

The Senate insist on their 5th and 11th amendments.

On motion of Mr. Gregory,

The House insisted on their disagreement to said amendments, except the 2nd in which the House concurred;

Whereupon, the Speaker appointed a committee of free conference on the part of the House consisting of Messrs. Bryce and Gregory.

When said committee made the following report:

**Mr. SPEAKER—**

The committee of free conference appointed by the two Houses of the General Assembly, upon the disagreement between the two Houses upon the specific appropriation bill, have had the same under consideration, and cannot agree as to the two items of disagreement, to-wit: The allowance to the wood splitter, and the proviso relating to the purchase of a house for the Governor, and ask to be discharged from any further consideration of the subject.

**THO. R. STANFORD,  
N. SMITH,  
JAMES GREGORY,  
JAMES R. M. BRYANT,**

On motion, the committee on the part of the House were discharged, and Messrs. Wilson of H. and Bryce were appointed in lieu thereof.

Message from the Senate by Mr. Test.

Mr. SPEAKER—

The Senate has discharged the first committee of free conference appointed on the part of the Senate to consider the bill of the House,

No. 431—An act making specific appropriations for the year 1831, and have appointed Messrs. Kennedy and Clark of Tippecanoe a second committee on the same subject.

Mr. Wilson of H. made the following report:

Mr. SPEAKER—

The committee of free conference appointed on the part of this House report that they have agreed to strike out the fifth amendment by the Senate and insert that the Treasurer, Auditor and Secretary of State, shall not in making sale of public grounds to defray the expense of purchasing a residence for the Governor, be authorized to sell the Governor's circle in the town of Indianapolis or any part thereof.

They have also agreed that the Senate recede from the eleventh amendment to the same bill,

Which report was concurred in.

The following message was received from the Senate by Mr. Test, their Secretary.

Mr. SPEAKER—

The Senate has agreed to the report of the committee of free conference, appointed to take into consideration the difference between the two Houses, on the bill of the House,

No. 431, making Special appropriations for the year 1839;

Also, the Senate has passed engrossed bills of the House as follows, viz:

No. 364, An act to grant the right of way to the State of Illinois to connect the northern railroad to the Wabash canal, near the town of Williamsport;

No. 125, An act concerning a school district in Dearborn county;

No. 407, An act to vacate the town of New Market;

No. 401, An act to incorporate the Orange Blues; and,

No. 229, An act to authorize the Fund Commissioners to make title and execute releases to property held by the State out of the State of Indiana;

Each without amendment.

The following message was received from the Senate:

MR. SPEAKER—

The Senate has passed engrossed bills of the House as follows, viz:  
 No. 397, An act to attach the fourth of township 30, N. of R. 4 east, to Fulton county;

No. 385, An act amendatory to an act entitled An act to incorporate the Lawrenceburgh Bridge company;

\*Each with amendments, in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills of the House, and joint resolutions as follows, viz:

An act to legalize the acts of the Clerk of Dubois county;

No. 404, An act for the relief of the collector of Porter county;

No. 478, a joint resolution of the General Assembly of the State of Indiana;

No. 451, a joint resolution on the subject of the public printing, done for the year 1838;

No. 396, An act to provide for the election of an additional Justice of the Peace for the south east township in the county of Orange;

Each without amendment.

No. 259, An act to amend an act entitled An act to incorporate the Lafayette and Danville Railroad company, approved February 5, 1836.

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House,

No. 429, a bill relative to the Wabash and Erie canal lands, without amendment.

MR. SPEAKER—

The Senate has passed an engrossed bill of the House,

No. 141, entitled An act for the relief of John Rodolph Fischli, with an an amendment,

In which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills of the House,

No. 283, An act to organize the county of Pulaski and locate the seat of Justice of said county;

No. 382, An act relative to the town of Jeffersonville;

No. 482, An act to incorporate the Connersville Manufacturing company;

No. 479, An act for the relief of Thomas White;

No. 455, An act to change the location of section No. 81, in the northern division of the Central canal;

No. 299, An act to incorporate the Indianapolis, Rushville, and Brookville Turnpike company;

No. 414, An act for the relief of purchasers at Sheriffs' sales; and,  
 No. 236, An act to incorporate the Tippecanoe and Monticello  
 Bridge company;  
 Each without amendment.

MR. SPEAKER—

The Senate has passed engrossed bills of the House as follows, viz:

No. 468, An act to relocate a State road therein named;

No. 435, An act to improve the navigation of the Muskratutuck  
 river;

No. 477, An act to locate a State road in Pike county;

No. 450, An act supplemental to an act entitled An act dividing  
 the State into judicial circuits, and fixing the times of holding courts  
 therein named, approved January 28, 1839;

No. 233, An act to amend act entitled An act regulating the tak-  
 ing up of animals going astray, and water craft, and other articles  
 adrift;

No. 442, An act to amend an act entitled An act to incorporate  
 the Liverpool Bridge company, approved February 6, 1837;

No. 232, An act to authorize the sale of the Union county Semi-  
 mary;

Each without amendment.

MR. SPEAKER—

The Senate has passed an engrossed bill of the House,

No. 485, entitled An act correcting a mistake in the specific ap-  
 propriation act, without amendment.

MR. SPEAKER—

I am directed by the Senate to inform the House, that they have  
 passed the bill of the House,

No. 180, entitled An act to incorporate the Hagarstown and  
 Winchester Turnpike company, and for other purposes; without  
 amendment.

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representa-  
 tives, that the Senate has passed engrossed joint resolution relative  
 to section No. 21, of the Wabash and Erie canal west of Tippecanoe,  
 without amendment.

MR. SPEAKER—

The Senate has passed engrossed bills of the House as follows, viz:

No. 319, An act repealing an act entitled An act to vacate part of a street in the bounds of the donation, near Indianapolis;

No. 398, An act declaring a certain State road vacated;

No. 410, An act repealing the 117 section of an act for the establishing of a certain State road therein named;

No. 486, An act for the relief of Franklin Winchel;

No. 356, An act to extend the privileges granted to the Salem Savings Institution;

No. 400, An act to amend an act entitled An act to establish and regulate ferries; and,

A joint resolution concerning the tax on Bank shares;

Each without amendment.

MR. SPEAKER—

The Senate has concurred in the amendment of the House to the bill of the Senate,

No. 127, entitled An act to enable the several school commissioners to distribute certain school funds derived from the surplus revenue, land forfeited for non-payment of taxes, and the sum heretofore set apart for common school purposes from poll tax.

Also, the Senate has concurred in the amendment of the House to the amendment of the Senate to the bill of the House,

No. 29—An act respecting roads in Parke county.

MR. SPEAKER—

The Senate has passed engrossed bills of the House, as follows, viz:

No. 461—An act to amend an act entitled An act to subject real and personal estate to execution, approved Feb. 4, 1831; together with an act to amend the last mentioned act approved February 1, 1834;

No. 357—An act to incorporate the Shelbyville and Blue river railroad company;

No. 426—An act to incorporate the town of Laporte;

No. 257—An act authorizing the sale of lot No. 7, in square 46, in the town of Indianapolis;

No. 191—An act to incorporate the town of Aurora;

No. 391—An act to locate a state road therein named;

No. 418—An act to incorporate a Philomathean Society in the county of Spencer;

No. 417—An act to legalize the sale of lots on a part of the township adjoining Bloomington;

No. 384—An act amendatory of an act entitled An act incorporating the Warsaw Manufacturing company;

No. 415—An act to incorporate the Dublin Academy;

No. 413—An act making general appropriations for the year 1839;

No. 406—An act to cause a survey on Patoka river or creek;

- No. 476—An act for the relief of persons owning canal lands;  
 No. 474—An act relating to the duty of officers of state;  
 No. 363—An act attaching certain territory to the counties therein named, and for other purposes;  
 No. 403—An act to amend an act entitled An act relating to roads and highways, approved Feb. 17, 1838;  
 No. 416—An act to vacate a part of Cayuga alley in Wood's addition to the town of Indianapolis; and,  
 No. 412—An act to establish a state road in Lawrence county;  
 Each without amendment.  
 Mr. Eldridge reports:

MR. SPEAKER—

The select committee, to which was referred a communication from the State Board of Internal Improvement, on the subject of the steamboat lock in the dam across the Wabash in Carroll county, have had the subject under consideration, and directed me to report, that it is not expedient to legislate any further on this subject.

In which the House concurred.

The committee on enrolled bills report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bills of the House entitled acts, as follows, and find the same truly enrolled:

No. 418—An act to incorporate a Philomathean Society in the county of Spencer;

No. 416—An act to vacate a part of Cayuga alley in Wood's addition to the town of Indianapolis;

No. 461—An act to amend an act entitled An act to subject real and personal estate to execution, approved Feb. 4, 1831; together with an act to amend the last mentioned act, approved February 1, 1834;

No. 417—An act to legalize the sale of lots on a part of the reserve township adjoining Bloomington;

No. 263—An act attaching certain territory to the counties therein named, and for other purposes;

No. 382—An act relative to the town of Jeffersonville;

No. 414—An act for the relief of purchasers at sheriff's sale;

No. 482—An act to incorporate the Connersville Manufacturing company;

No. 474—An act relating to the duty of officers of state;

No. 298—An act for the relief of John Miller and Lavina Miller his wife;

No. 391—An act to locate a state road therein named.

**MR. SPEAKER—**

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills of the House with the enrolled bills, and find the same correctly enrolled, to-wit:

No. 261—An act to incorporate the New Harmony Working Man's Institute for mutual instruction;

No. 296—An act to amend an act organizing circuit courts and defining their powers and duties, approved Jan. 24, 1831;

No. 458—An act to change the name of Parkersburgh in Montgomery county to Faithville;

No. 246—An act to legalize the proceedings of the commissioners of Jasper county;

No. 152—A joint resolution authorizing Patrick McGinley to sue the state;

No. 390—An act to provide for the election of a justice of the peace in the town of Moscow, in Rush county.

**MR. SPEAKER—**

The joint committee on enrolled bills report, that they have this day compared the following engrossed bills of the House, with the enrolled bills, and find the same correctly enrolled, to-wit:

No. 243—An act to amend an act entitled An act to authorize a location of a state road from Salem in Washington county, to Charlestown in Clark county, approved Feb. 1, 1838;

No. 274—An act to legalize the acts of Jane Owens, executrix of the last will and testament of Samuel Owens, deceased;

No. 266—An act for the relief of Benoni P. Downes;

No. 279—An act for the relief of William Post;

No. 157—An act to provide for the survey of a road from Charlotteville in Hancock county via Rushville, to some point on the Whitewater canal;

No. 289—An act supplemental to an act entitled An act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses, or masonic lodges, approved Feb. 10, 1831;

No. 325—An act directing the leasing of the water power at the Wabash Dam near Delphi;

No. 432—An act to amend an act providing for commissioning sheriffs and coroners and to regulate their duties, approved January 7, 1824;

No. 312—An act to legalize certain proceedings in Martin county;

No. 467—An act to provide for empanneling jurors in certain cases in the 11th judicial circuit;

No. 93 of the Senate, An act providing means for the completion of the bridge over White river, on the Michigan road;

No. 260 of the Senate, An act relating to burying grounds;

No. 163, of the Senate, An act to provide for the selection of lands accruing to the State of Indiana, under the act of Congress of the 2d

March, 1827, and applicable to the construction of the Wabash and Erie canal west of Tippecanoe river;

No. 203 of the Senate, An act more particularly defining the western and southern boundaries of the county of Scott;

No. 254 of the Senate, An act to define the boundaries of the counties of St. Joseph, Marshall, Laporte, Stark, Porter, and Lake;

No. 218 of the Senate, An act to locate a state road in Wayne county;

No. 46 of the Senate, An act to authorize persons to remove fences made by mistake on the land of other persons;

No. 96 of the Senate, An act to change a part of the Knightstown and Blountsville state road;

No. 201 of the Senate, An act to repeal an act entitled An act to authorize the mutual transfer of certain school funds between the townships of Eel and Noble in Cass county, approved February 6th, 1837;

No. 251 of the Senate, An act supplemental to an act for the benefit of Catharine Falkner, approved Feb. 6, 1837;

No. 255 of the Senate, An act to legalize the proceedings of the board of county commissioners of the county of St. Joseph;

No. 270 of the Senate, A joint resolution relative to the Spencer and Terre Haute McAdamized road company;

No. 236 of the Senate, An act to amend an act entitled An act for the relief of the poor, approved Feb. 17, 1838;

No. 260 of the Senate, An act to amend an act to incorporate the town of Terre Haute, approved Feb. 17, 1838;

No. 181—An act to incorporate the Greencastle Savings Institution and Manufacturing and Trading Company.

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bills of the House, and find them truly enrolled, entitled Acts, as follows:

No. 159—An act to provide for public printing, and for the distribution of the laws and journal;

No. 370—An act to provide for the election of a justice of the peace in the town of Lockport, Vigo county;

No. 457—An act concerning Lost creek;

No. 333—An act relative to the election of an additional justice of the peace in Harrison township in the county of Clay;

No. 244—An act so change the name of the town of Ceylon to Andersonville;

No. 224—An act to incorporate the Rob Roy Manufacturing Company.

MR. SPEAKER—

The joint committee on enrolled bills now report, that they have

compared the following enrolled with the engrossed bills of the House, viz:

No. 394, entitled An act authorizing the several boards doing county business in this state to sell and convey real estate;

No. 253, entitled An act to locate a state road from the Ohio state line to Newport in Wayne county;

No. 334, entitled An act to create the office of Private Secretary to the Governor; also,

No. 242, entitled An act to locate a state road in the county of Dearborn; also,

No. 227, entitled An act to incorporate the Vevay Steam Mill and Manufacturing Company; also,

A memorial and joint resolution,

No. 345, entitled A memorial and joint resolution in relation to the navigation of Lake Michigan;

All of which they find truly enrolled.

They have also presented the same to his Excellency the Governor for his approval and signature.

The following message from the Governor, by Jno. M. Wallace his Secretary:

**MR. SPEAKER—**

I am directed by his Excellency the Governor to inform the House of Representatives that he has approved and signed the following bills:

No. 105—An act relative to a state road in the counties of War-  
rick and Spencer;

No. 207—An act to amend the act incorporating the town of Paoli,  
in Orange county;

No. 306—A memorial and joint resolution on the subject of the  
refuse lands in Jackson and Scott counties;

No. 307—An act to provide for the erection of a bridge on the Big  
Vermillion river;

No. 336—An act to amend an act granting to the citizens of the  
towns of Lawrenceburgh and Madison a city charter;

No. 305—An act relative to the county seminary of Shelby county;

No. 356—An act regulating the jurisdiction of justices of the peace  
in the county of Cass;

No. 343—An act to relocate a part of the state road from Rock-  
ville to Covington;

No. 351—An act for the relief of J. H. McMacken and Elias  
Murray;

~~No.~~ No. 398—An act providing for the distribution of the three per  
cent. fund in Dearborn county;

No. 259—An act to amend the act to incorporate the Lafayette  
and Danville Railroad Company, approved Feb. 5, 1836;

No. 390—An act to provide for the election of a justice of the peace  
in the town of Moscow in Rush county;

No. 152—A joint resolution authorizing Patrick McGinley to sue state;

No. 246—An act to legalize the proceedings of the board doing county business in Jasper county;

No. 458—An act to change the name of Parkersburgh in Montgomery county to Faithville;

No. 296—An act to amend the act organizing circuit courts, and defining their powers and duties, approved Jan. 24, 1831;

No. 261—To incorporate the New Harmony Working Man's Institute for mutual instruction;

No. 355—To incorporate the Western Mutual Insurance company;

No. 9—To amend the act incorporating the Jeffersonville Savings Institution, approved Feb. 17, 1838;

No. 344—An act to provide for the election of a Justice of the peace in Montezuma in Parke county;

No. 167—An act to amend the act to provide for electing county and township officers, approved Feb. 17, 1838;

No. 323—An act for the relief of Jonathan Legg;

No. 265—An act to incorporate the Citizens' Basin in Milton, Wayne county, Indiana;

No. 17—An act for the relief of Wm. Huddleston, Thomas Huddleston, and Robert Huddleston;

No. 275—A joint resolution relative to the Lawrenceburgh and Indianapolis Railroad.

No. 253—An act to locate a state road from the Ohio state line to Newport in Wayne county;

No. 345—A memorial and joint resolution in relation to the navigation of Lake Michigan;

No. 394—An act authorizing the several boards doing county business in this state to sell and convey real estate;

No. 242—To locate a state road in the county of Dearborn;

No. 334—An act to create the office of Private Secretary to the Governor;

No. 227—To incorporate the Vevay Steam Mill and Manufacturing Company;

No. 154—An act to amend the act to extend the Erie and Michigan canal, approved Feb. 4, 1837;

No. 81—An act to amend the act incorporating the Mayor and Common Council of the town of Lafayette, approved February 6th, 1837;

No. 387—An act to authorize Samuel Patterson to build a toll bridge;

No. 183—A joint resolution relative to Blackford's Reports;

No. 37—An act to amend the act authorizing the appointment of pilots at the Falls of the Ohio in this state, approved Feb. 7, 1825;

No. 386—A joint memorial in relation to a harbor at City West;

No. 193—An act to alter the boundary line between the counties of Carroll and White;

No. 361—Amending the act incorporating congressional townships and providing for public schools therein;

No. 234—An act to repeal the act approved Feb. 18, 1838, appropriating a part of the three per cent fund in St. Joseph county;

All of which originated in the House.

Mr. Willey reports:

MR. SPEAKER—

The joint committee to whom was referred engrossed bills of the House, have compared them with the enrolled bills and find them correctly enrolled in the following manner, that is to say, bill

No. 406, authorizing a survey of Pataka river in Gibson, Pike and Orange counties;

No. 476—An act for the relief of persons owning canal lands;

No. 455—An act to change the location of section No. eighty in the northern division of the Central canal;

No. 384—An act amendatory of an act entitled An act incorporating the Warsaw Manufacturing Company, approved February 17th, 1838;

No. 397—An act to attach the quarter of township 30 north of range 4, east to Fulton county;

No. 396—An act to provide for an additional justice of the peace for the south east township in Orange county;

No. 412—An act to establish a State road in Lawrence county;

No. 175—An act relative to the practice in circuit courts;

No. 467—An act supplemental to an act to reduce the board of fund commissioners;

No. 326—An act relative to the county boundary between the counties of Warrick and Spencer;

Message from the Senate.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed joint resolution thereof,

No. 117, to authorize a loan of the sinking fund,

In which the concurrence of the House is respectfully requested;

Said joint resolution was read three times and passed.

Mr. Willey introduced bill

No. 482, to incorporate Connersville Manufacturing Company,

Which was read three times and passed.

Mr. Marshall,

No. 483, on the subject of public printing,

Which was read three times and passed.

Mr. Field,

No. 484, to incorporate the Walnut Ridge Seminary in Clark county,

Which was read three times and passed.

Mr. Bryce introduced,  
No. 485, to correct a mistake in the specific appropriation bill of 1839,

Which was read three times and passed.

Mr. Hanna,  
No. 486, for the relief of Franklin Winchel,  
Which was read three times and passed.

The following message was received from the Senate by Mr. Test, their Secretary.

**MR. SPEAKER—**

The Senate has passed an engrossed bill of the House,  
No. 263, entitled An act to incorporate the Laurel Trading and Manufacturing Company,

With an amendment in which the concurrence of the House is respectfully requested;

Also, the Senate has passed an engrossed bill

No. 271, of the Senate, entitled An act to provide for the repair of the roof of the Governor's House on the Governor's circle,

In which also the concurrence of the House is requested.

The House concurred in the amendment of the Senate to No. 263;  
No. 271, was read three times and passed.

**MR. SPEAKER—**

The Senate has concurred in the amendments of the House to the bill of the House,

No. 178, entitled An act to amend an act entitled An act to amend an act entitled An act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to, receive by virtue of an act of Congress, approved June 23, 1836; approved February 17, 1838; except to that part relating to Miami county in which they refuse to concur.

The Senate has concurred in the amendment of the House to the bill of the Senate,

No. 53—An act to amend the several acts for the collection of the revenue, and to repeal an act to provide a fund to encourage common schools, approved February 2, 1832, and an act in furtherance thereof, approved February 7, 1835.

The House receded from their disagreement to bill No. 198, in said message mentioned.

**MR. SPEAKER—**

I am directed by the Senate to inform the House of Representatives, that they have passed bill of the House,

No. 392—An act to establish certain State roads therein named and for other purposes with amendments,  
 In which they ask the concurrence of the House,  
 The House concurred in the amendments of the Senate.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House, No. 74, with an amendment in which the concurrence of the House is requested.

The House concurred in the Senate's amendment.

MR. SPEAKER—

The Senate has passed an engrossed joint resolution, No. 483, on the subject of the public printing,  
 With an amendment in which the concurrence of the House is requested.

The House concurred in the amendment of the Senate.

MR. SPEAKER—

I am instructed to inform the House of Representatives that the Senate has passed an engrossed bill

No. 298, entitled a bill relative to the Perry county seminary funds to which the concurrence of the House of Representatives is respectfully requested.

Said bill was read three times and passed.

MR. SPEAKER—

The Senate has concurred in the amendments of the House to the engrossed bills of the Senate,

No. 94—An act for the relocation of the seat of justice of Whitley county;

No. 65—An act to incorporate the Bedford Presbyterian Church;

And in the first amendment of the House to the bill of the Senate,

No. 211, entitled An act making it penal to cast the the bodies of dead animals into water courses, and have refused to concur in the last amendment;

The Senate has passed an engrossed bill of the House,

No. 275, entitled An act for the benefit of the collector of the county revenue of Spencer county;

In which the concurrence of the House is respectfully requested.

The House receded from their amendment to bill

No. 211, in said message mentioned;

No. 275, was read three times and passed.

On motion, House adjourned until Monday morning five o'clock.

MONDAY, FEBRUARY 18, 1839.

*Five o'clock, A. M.*

House met,

The committee on enrolled bills made the following report:

MR. SPEAKER —

The committee on enrolled bills report, that they have compared the following engrossed bills of the House, with the enrolled, and find the same correctly enrolled.

No. 29, An act respecting roads in Parke county;

No. 180, An act to incorporate the Hagarstown and Winchester Turnpike company, and for other purposes.

No. 204, An act to locate a State road from the centre of section 17, township 37, north of range 6 east to the Goshen and Elkhart State road, in Elkhart county;

No. 206, An act to authorize the relocation of a part of a State road therein named, approved February 6th, 1837;

No. 65, An act to incorporate the Bedford Presbyterian church;

No. 108, An act to provide for the election of a Justice of the Peace in the town of New Washington, in Clark county;

No. 94, An act for the relocation of the seat of justice of Whitley county.

The joint committee on enrolled bills made the following report:

No. 53, An act to amend the several acts for the collection of the revenue, and to repeal an act to provide a fund to encourage common schools, approved February 2d, 1832; and an act in furtherance thereof, approved February 7, 1835;

No. 127, An act to enable the several school commissioners to distribute certain school funds derived from the surplus revenue lands, forfeited for nonpayment of taxes, and the sum heretofore set apart for common school purposes, and from poll tax;

No. 278, An act relative to the Perry county seminary fund;

No. 271, An act to provide for the repair of the roof of the house on the Governor's circle;

No. 275, An act for the benefit of the county revenue of Spencer county;

No. 205, An act to locate a road therein named.

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bills of the Senate, entitled Acts, as follows:

No. 171, a joint resolution to authorize a loan of the Sinking fund;

No. 226, An act to amend an act entitled An act to incorporate the Baileytown and Chicago Turnpike company, approved February 15, 1838;

No. 232, An act to amend an act entitled An act authorizing the sale of certain school lands therein named, and for other purposes therein named, approved January 1st, 1838;

No. 178, An act to amend an act entitled An act to amend an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to receive by virtue of an act of Congress, approved 23d June, 1836, approved February 17, 1838.

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bills of the House, entitled Acts as follows:

No. 377, An act to incorporate the Spencer and Terre Haute McAdamized Road company;

No. 141, An act for the relief of John Rodolph Fischli;

No. 233, An act to amend an act entitled An act regulating the taking up of animals going astray, and water crafts and other articles adrift;

No. 468, An act to relocate a State road therein named;

No. 232, An act to authorize the county Seminary in the county of Union;

No. 283, An act to organize the county of Pulaski, and to locate the seat of justice of said county;

No. 236, An act to incorporate the Tippecanoe and Monticello Bridge companies;

No. 404, An act for the relief of the collector of the State revenue of Porter county;

No. 392, An act to establish certain State roads therein named, and for other purposes;

No. 478, a joint resolution of the General Assembly of the State of Indiana;

No. 477, An act to locate a State road in Pike county;

And that we find them truly enrolled.

Mr. Morgan, from the joint committee on enrolled bills, made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have this day compared the following engrossed bills of the House with the enrolled bills, and find the same correctly enrolled, viz:

No. 262—An act to incorporate the Laurel Trading and Manufacturing company;

No. 485—An act correcting a mistake in the specific appropriation act;

No. 429—An act relative to the Wabash and Erie canal lands;

No. 431—An act making specific appropriations for the year 1839;

No. 435—An act to improve the navigation of the Muskatutuck river;

No. 413—An act making general appropriations for the year 1839;

No. 298—An act to incorporate the Indianapolis, Rushville, and Brookville Turnpike Company;

No. 403—An act to amend an act entitled An act relating to public roads and highways, approved Feb. 17, 1838;

No. 407—An act to vacate the town of New Market;

No. 223—An act to authorize the Fund Commissioners to make titles and execute releases to property held by the state out of the State of Indiana;

No. 125—An act concerning a school district in Dearborn county;

No. 257—An act authorizing the sale of lot No. 7 in square 46 in the town of Indianapolis;

No. 410—An act repealing the 117th section of an act for the establishing of certain state roads therein named;

No. 398—An act declaring a certain state road vacated;

No. 364—An act to grant the right of way to the state of Illinois, to connect the Northern railroad to the Wabash canal near the town of Williamsport;

No. 319—An act repealing an act entitled An act to vacate part of a street in the bounds of the donation near Indianapolis;

No. 356—An act to extend the privileges granted to the Salem Savings Institution;

No. 442—An act to amend an act entitled An act to incorporate the Liverpool bridge company, approved Feb. 6, 1837;

No. 400—An act to amend an act entitled An act to establish and regulate ferries;

No. 483—A joint resolution on the subject of the public printing;

No. 471—A joint resolution relative to section No. 21 of the Wabash and Erie canal west of Tippecanoe river;

No. 479—An act for the relief of Thomas White;

No. 191—An act to incorporate the town of Aurora;

No. 450—An act supplemental to an act entitled An act dividing the state into judicial circuits and fixing the times of holding courts therein, approved Jan. 28, 1839;

No. 74—An act to provide for an examination and report of the mineral resources of the state and for other purposes;

No. 357—An act to incorporate the Shelbyville and Blue river railroad company;

No. 451—A joint resolution on the subject of the public printing done for the year 1838;

No. 481—A joint resolution concerning the tax on bank shares;

No. 486—An act for the relief of Franklin Winchel;

No. 485—An act correcting a mistake in the specific appropriation act, Feb. 16, 1839;

No. 491—An act to incorporate the Orange Blues;

No. 426—An act to incorporate the town of Laporte;

No. 414—An act to incorporate the Dublin Academy.

Mr. Powell offered for adoption the following resolution:

*Resolved*, That a committee of two be appointed on the part of the House, to act with a similar committee on the part of the Senate, to wait on his Excellency the Governor and inform him that both Houses have gone through with their legislative business, and are now ready to adjourn *sine die*, and learn of him if he has any further communication to make to the General Assembly.

The chair appointed Messrs. Powell and Gregory said committee on the part of the House.

The following message was received from the Senate by a member thereof:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that they have adopted the following resolution:

*Resolved*, That the Senate have gone through their legislative business, and are ready to adjourn *sine die*.

The following message from the Senate by a member:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that the Senate has reciprocated the resolution of the House, appointing a committee of two to wait on his Excellency the Governor, to inform him that the two Houses have gone through their business of the present session, and are now ready to adjourn *sine die*, and learn of him if he has any further communications to make to the General Assembly;

And Messrs. Walker and Watt are appointed such committee on the part of the Senate.

The following message was received from the Governor, by John M. Wallace, his Secretary:

## MR. SPEAKER—

I am directed by the Governor, to inform the House of Representatives, that he has approved and signed the following bills;

No. 159—An act to provide for the survey of a road from Charlottesville, via Rushville, to the White Water canal;

No. 239—Supplemental to the act for the appointment of trustees to receive deeds for lots or lands, given or purchased for the use of schools;

No. 263—A bill to incorporate the Laurel Trading and Manufacturing company;

No. 370—To provide for the election of a justice of the peace in Vigo county;

No. 457—A bill concerning Lost creek;

No. 333—Relative to an additional Justice of the Peace in Harrison township, in the county of Clay;

No. 416—To vacate Cayuga alley in Indianapolis, in that part of said town laid out by John Woods;

No. 461—An act to amend the act entitled An act subjecting real and personal estate to personal execution; together with an act to amend the last mentioned act;

No. 418—To incorporate the Philomathean Society of Spencer county;

No. 417—An act to legalize the sale of lots on a part of the reserved township adjoining Bloomington;

No. 298—For the relief of John Miller and Lavina his wife;

No. 474—Relating to the duty of officers of state;

No. 391—To locate a state road therein named;

No. 429—To amend the several acts now in force relating to the Wabash and Erie canal lands;

No. 485—To correct a mistake in the specific appropriation;

No. 266—For the relief of B. P. Downes;

No. 328—Directing the leasing the water power on the Wabash dam near Delphi;

No. 279—For the relief of Wm. Post;

No. 363—Attaching certain territory to counties therein named, and for other purposes;

No. 482—To incorporate the Connersville Manufacturing company;

No. 414—An act for the relief of purchasers at sheriff's sale;

No. 382—In relation to the town of Jeffersonville;

No. 452—To amend the act providing for commissioning sheriffs and coroners, and regulating their duties, approved Jan. 17, 1834;

No. 467—To provide for empanneling jurors in certain cases in the eleventh judicial circuit;

No. 243—To amend the act to authorize the location of a state road from Salem to Charlestown, approved Feb. 1, 1838;

No. 274—To legalize the acts of Jane Owens, executrix of the last will and testament of Samuel Owens, deceased;

No. 312—To legalize certain proceedings in Martin county;

No. 159—To provide for the public printing, and the distribution of the laws and journals;

No. 224—To incorporate the Rob Roy Manufacturing Company;

No. 415, to incorporate the Dublin Academy;

No. 426, to incorporate the town of Laporte;

No. 486, for the relief of Franklin Winchell;

No. 401, to incorporate the Orange Blues;

No. 471, joint resolution relative to section 21, of the Wabash and Erie canal west of Tippecanoe;

No. 483, a joint resolution on the subject of the public printing;

No. 490, to amend the act to establish and regulate ferries, approved February 10, 1831;

No. 442, to amend the act to incorporate the Liverpool bridge company, approved February 6th 1837;

No. 356, to extend the privileges granted to the Salem Savings Institute;

No. 319, to repeal an act to vacate part of a street in the bounds of the donation near Indianapolis, approved February 17, 1838;

No. 364, to grant the right of way to Illinois to connect, &c.;

No. 175, An act to amend the act entitled An act to provide for the distribution of the surplus revenue of the United States, as the State of Indiana may be entitled to receive, by virtue of an act of Congress, approved June 23d, 1836, approved February 17, 1838;

No. 232, to amend the act authorizing the sale of certain school lands therein named and for other purposes;

No. 226, to amend the act to incorporate the Baileytown and Chicago turnpike company, approved February 15, 1838;

No. 117, a joint resolution to authorize the loan of the sinking fund;

No. 377, to incorporate the Spencer and Terre Haute McAdamized road company;

No. 392, to establish certain state roads therein named, and for other purposes;

No. 141, to amend the act regulating the taking up of estrays and water crafts, and other articles of value adrift.

No. 232, to locate a State road therein named;

No. 232, to authorize the sale of the Union county seminary;

No. 407, to vacate the town of Newmarket;

No. 403, to amend the act regulating public roads and highways;

No. 357, to incorporate the Shelbyville and Blue river rail road company;

No. 449, for the relief of Thomas White;

No. 299, to incorporate the Indianapolis, Rushville and Brookville turnpike company;

No. 175, relating to practice in circuit courts;

No. 467, supplemental to the act to reduce the board of fund commissioners;

No. 326, relative to the boundary between the counties of Warwick and Spencer;

No. 406, to authorize a survey on the Patoka river;

No. 47, for the relief of persons owning canal lands;

No. 412, to establish a State road in Lawrence county;

No. 145, to legalize the acts of the clerk of Dubois county;

No. 396, to provide for an additional justice of the peace in Southeast township in Orange county;

No. 397, to attach a quarter of township 30, north of range 4 east, to Fulton county;

No. 384, amendatory of an act entitled An act to incorporate the Warsaw manufacturing company, approved February 17, 1838;

No. 455, to change the location of section No. 81 on the northern division of the central canal;

No. 431, making specific appropriations;

No. 413, making general appropriations for 1839;

No. 435, to improve the navigation of the Muskukutuck river;

No. 398, declaring a certain State road vacated;

No. 410, repealing the 117th section of an act for establishing certain State roads therein named;

No. 125, An act concerning a school district in Dearborn county;

No. 257, An act authorizing the fund commissioners to make titles and execute leases to property held by the State out of the State of Indiana;

An act respecting roads in Parke county;

An act to incorporate the Hagarstown and Winchester turnpike company;

No. 283, organizing the county of Pulaski and to locate the seat of justice thereof;

No. 236, to incorporate the Tippecanoe and Monticello bridge companies;

No. 404, for the relief of the collector of Porter county;

No. 478, a joint resolution;

No. 477, to locate a State road in Pike county;

Mr. Gregory offered for adoption the following resolution,

*Resolved*, That the Senate be informed that the House of Representatives have gone through with their business and are now ready to adjourn *sine die*.

Mr. Powell made the following report:

Mr. SPEAKER—

The committee appointed on the part of the House, to act with a similar one on the part of the Senate to wait on his Excellency the Governor, and to learn of him if he had any further communications to make to the General Assembly, have discharged that duty, and received for answer that he has no further communications to make.

The Speaker then arose and addressed the House as follows:

*Gentlemen of the House of Representatives:*

When I say that I am more than honored by the unanimous adoption of the resolution which points to the discharge of my official duties, I feel that language fails me in an attempt to express my gratitude for your kindness upon that, as also upon all other occasions.

We have now come to the close of a long, but I trust an eventful session; a session which I fondly hope and sincerely believe will long be remembered, and its good effects legibly written upon that scroll on which is to be enrolled the future prosperity of Indiana.

In reference to our State policy, the line which divided the parties at our session was plainly marked, in consequence of which, we were sometimes prevented from coming together upon terms which no doubt would have been productive of much good. At this session, however, the angry elements had in a great degree ceased, and the storm of conflicting views and conflicting interests become hushed by the desire to do good, which desire had become properly directed by experience and reflection.

All were anxious that the march of Indiana in her great enterprize should be yet onward, and all were willing to *modify*, or in other words, economize, where the interest of the State could be promoted and her pledged faith preserved inviolate. Under these feelings we have acted and the result of our deliberations can only be determined by time, while we are allowed to hope that all will be productive of happy consequences.

None it seems to me can doubt the salutary effects which must result to the State, from the increase of the capital in our State Bank. An institution fixed upon so firm a basis and conducted in the manner it has been, needs but a capital commensurate with the wants of the country to enable it to exercise an influence over the monetary concerns of community of the most happy kind. The increase it is believed by all is as large as the wants of the country demand, and we may well hope to see our state in a short time relieved from the pressure under which she has groaned during and succeeding the necessary suspensions of specie payments, and the almost entire withdrawal of the circulating medium among us:

The Representatives of the people have shown to the world that they are not afraid to tax their constituents for a laudable purpose, and the people of Indiana I have no doubt will cheerfully sanction and sustain the act. Our revenue bill will not only furnish the means of paying the interest on loans for internal improvement, but will give to our state an increase of that high character she already sustains abroad.

These, though some, are not all of our doings, from which the State will derive benefit.

Whatever, gentlemen, may be my future destiny, I feel conscious that I am now standing on this spot for the last time in my life,

clothed with official honors, and charged with the performance of official duties.

The time which divides future scenes from the past, painful as the past may have been, and whatever joys the future may have in store for us, is when we are conscious of our position attended with some pain; but, when the records of the past are inscribed with tender ties—with kindness from friends, and forbearance from enemies—with scenes which can never be enjoyed after passing that point, which I am now rapidly approaching, (the summit level of life,) and the fate of the future wholly dubious and uncertain, how much greater must be the pain of the position.

The performance of the last act in any sphere in which all have moved long enough to become familiar with it, must always be attended with that melancholy, which we feel in witnessing the last leaf of Autumn, which perhaps we had known in its greatest huc, and under whose shade we have listened to the music of nature, with all its melody, and enjoyed the blessings of Summer's happiest breeze, torn from its parent stem by the relentless frost of Winter, and doomed to descend to its mother earth, there to partake of the common lot of all created things.

Could my wishes, gentlemen, be realized, not only in reference to you, who now hear me, but also those who have hastened to domestic enjoyments which we so fondly anticipate, all the happiness which earth could contain would be the portion of each of you.

It now remains for me to perform my last duty and in that performance, bid, you a final farewell.

This House stands adjourned *sine die*.

The House then adjourned.

DANIEL MACE,  
Assistant clerk of the House of Representatives.

# INDEX.

## ABSENCE.

Leave of granted to	Mr. Wyman	-	-	-	-	8
"	"	Mr. Kinney	-	-	-	97
"	"	Mr. Anderson	-	-	-	114
"	"	Mr. Cogswell	-	-	-	114
"	"	Mr. McCormick	-	-	-	122
"	"	Mr. McCarty	-	-	-	145
"	"	Mr. Nelson	-	-	-	153
"	"	Mr. Hunt	-	-	-	153
"	"	Mr. Bright	-	-	-	155
"	"	Mr. Cotton of S.	-	-	-	153
"	"	Mr. Conaway	-	-	-	153
"	"	Mr. Terrell	-	-	-	153
"	"	Mr. Lee	-	-	-	153
"	"	Mr. Arnold	-	-	-	153
"	"	Mr. Marshall	-	-	-	153
"	"	Mr. Dole	-	-	-	153
"	"	Mr. Chiles	-	-	-	158
"	"	Mr. Lee	-	-	-	175
"	"	Mr. Brown	-	-	-	175
"	"	Mr. Chiles	-	-	-	190
"	"	Mr. Earl	-	-	-	190
"	"	Mr. Kilgore	-	-	-	190
"	"	Mr. Perinc	-	-	-	190
"	"	Mr. Allison	-	-	-	190
"	"	Mr. Townsend	-	-	-	213
"	"	Mr. Pettit	-	-	-	346
"	"	Mr. McCarty	-	-	-	448

## AYES AND NOES,

On resolution for the election of United States Senator	-	10
On postponing said resolution	-	11
On motion to lay said resolution on the table	-	11
On the adoption of the said resolution	-	11
On resolution relative to newspapers	-	37
To reject bill relative to election United States Senator	-	45
To postpone bill relative Dramatic performance	-	71
On leave to introduce resolution to postpone Senatorial election	-	86

On motion to postpone bill relative to mode of electing United States Senator	112
On refusing to concur in part of Mr. Juah's report on the gaming law	131
On resolution to adjourn over holidays	143
On postponing resolution from Senate relative to adjournment	146
On motion to postpone bill No. 181, relative to the system of Improvement	152
On previous question on the resolution relative to the Southern States	165
On engrossing said resolution	166
On referring report relative to wolf scalps to a select committee	168
On the passage of resolution relative to slavery, &c.	177
On laying the Michigan road bill on the table	190
On engrossing the bill	191
On laying modification bill on the table	204
On printing modification bill	204
To postpone bill relative to mills and millers	207
On joint resolution relative to judges	210
On motion to lay Michigan road bill on the table	215
On amendment to same bill	215
On engrossing the bill &c.	216
To postpone resolution relative to public works	218
On Internal Improvement bill, to strike out five commissioners and insert three	225
On the passage of resolution relative to Bowie knives	245
On motion to refer modification bill to committee on canals and Internal Improvements	246
On Mr. Cutter's resolution, &c.	253
On motion to strike out the circuit bill	260
On motion to instruct committee to report bill to repeal license law	274
On modification bill as to the number of commissioners	277
On Mr. Chiles's motion to amend	277
On Mr. Pettit's motion to amend	278
On Mr. Owen's motion to amend relative to number of commissioners	279
On Mr. Wilson's of H. motion to amend as to Chief Engineer	280
On motion to reject bill relative to interest on surplus revenue, &c.	282
On motion to refer bill for the relief of Joseph Hendricks	283
On passage of bill for relief of Joseph Hendricks	283
To lay the amendments to modification bill on the table	297
To indefinitely postpone the bill	297
To lay the bill on the table	298
On reconsidering the vote striking out three commissioners and inserting five	299
On inserting the number three	299
On previous question	300
To reconsider vote on engrossing modification bill	301

On concurring in the report on the modification bill	305
On taking up the modification bill	307
To postpone bill to divorce Lucy Hudson	310
On taking up the Madison road bill	311
On Mr. Bryce's amendment	311
On Mr. Wyman's amendment	312
On previous question	313
On engrossing the bill	314
On previous question on modification bill	330
On engrossing the bill	331
On motion to refer the bill	
To amend the instructions	331
On Mr. Proffitt's amendment	331
On reconsidering the vote	333
On reconsidering vote on amendment	333
On referring bill relative to frauds and perjuries	336
On motion to indefinitely postpone the bill	336
On Mr. Champer's amendment to modification bill	339
On motion to lay amendment on the table	340
To lay the instructions of Mr. Gregory on the table	344
To lay bill on the table, concerning insane persons	350
To lay report on bill to refund certain moneys, &c. on the table	353
On concurring in the report	354
To lay amendments to modification bill on the table	355
On previous question	355
On instructing the committee, &c.	356
On Mr. Kilgore's instructions	357
On previous question	358
On passage of modification bill	359
On motion to lay instructions on Madison road bill on the table	364
On instructions to the committee	365
On passage of the Madison road bill	366
On motion to postpone bill relative to circuit court's	384
On engrossing the bill	384
To lay Michigan road bill on the table	386
On passage of bill relative to injury done the public works	390
On ordering the circuit bill to third reading	392
On the previous question	392
On the passage of the circuit bill	393
To appropriate \$5,000 on Raccoon and Sugar creeks	393
To postpone bill to encourage agriculture	395
To reject the Michigan road bill	406
On passing bill to second reading	407
To postpone bill increasing salary of Governor	408
On engrossing bill relative to property destroyed by mobs	409
On motion to lay resolution on the table to authorize P. McGin-	
ly to sue the state	439
On the passage of the resolution	440

On Mr. Herriman's resolution for the despatch of legislative business, &c.	448
To amend bill to abolish imprisonment for debt	450
On the main question, engrossing the bill	451
On motion for a call of the House	460
On Mr. Marshall's resolution relative to the protest in the case of P. McGinly	461
On motion to reject Mr. Peaslee's resolution relative to public officers, elections, &c.	467
On passage of bill to refund certain moneys	470
On passage of bill to authorize a lottery, &c.	472
On passage of bill to regulate the militia	473
On motion to lay bill on the table to abolish imprisonment for debt	474
On the passage of the bill	474
On motion to postpone bill for promotion of education	476
To lay said bill on the table	477
To reconsider the vote to abolish imprisonment for debt	478
To take from the table the bill to amend tavern license law	480
On engrossing resolution relative to Lawrenceburgh road	481
On concurring in the amendments to the modification bill	484
To postpone bill relative to the boundaries of Clark county	487
To postpone joint resolution relative to the public works	489
On laying resolution relative to public officers and elections, on the table	489
To lay Michigan road bill on the table	490
To amend bill to reduce the Fund Commissioners	492
To indefinitely postpone bill for the relief of Wm. Sheets	494
To engross the bill for the relief of Wm. Sheets	495
To refer Bank bill to select committee	497
On the main question on the Bank bill	497
On engrossing the bill	498
On motion to suspend the rules, &c.	498
On motion of Mr. Proffitt, for leave to introduce a resolution	500
To postpone bill for free banking	501
To amend resolution relative to pay of doorkeeper	503
On adopting resolution for election of Board of Int. Imp't	508
On amendment to resolution to locate northern end of Central canal	510
On the vote for canal commissioners, &c.	513
On adopting Mr. Brown's epitaph	517
To lay Michigan road bill on the table	517
To lay Michigan road bill on the table	518
To lay bill for the encouragement of agriculture on the table	519
On engrossing the agricultural bill	520
On resolution to suspend operations on the public works in Marion county	523
To suspend the rules and read the bill relative to Jeffersonville 3d time	523

To reject bill to tax certain professions and officers -	524
On motion to reject bill relative to Whitewater canal -	529
On amendment to bill fixing the salary of members of the Board of Internal Improvement -	530
To reconsider the vote to fill the blank with \$1500 -	531
On striking out \$1500 -	531
On fixing the salary of Principal Engineer at \$2500 -	532
On engrossing the bill -	533
On motion to recommit the bill to reduce the pay of members of the legislature -	533
To suspend the rules and read the bill third time -	534
On the passage of the bill -	534
On previous question on revenue bill -	535
On concurring in the report of the committee of the whole -	535
On motion of Mr. Boon to amend the bill -	536
On engrossing bill to prevent frauds and perjuries -	537
On Mr. Owen's amendment -	539
On putting the main question -	540
On suspending the rules -	541
To lay motion to commit on the table -	542
On passage of the revenue bill -	543
On passage of a bill relative to Jeffersonville -	549
On passage of bill to encourage agriculture -	550
To reject bill relative to taverns and groceries -	572
On concurring in amendment of Senate to the bill to reduce the Fund Commissioners -	579
To lay bill on the table to legalize the acts of clerk of Dubois county -	583
To postpone bill concerning corporate privileges -	588
To lay bill on the table to locate Madison road by way of Rockford -	589
To indefinitely postpone the bill -	589
On motion to reject bill fixing the allowance of the Speaker of the H. R. and President of Senate -	590
To lay bill relative to Whitewater canal on the table -	590
To lay bill on the table concerning license -	595
To reject the bill relative to agricultural warehouse -	600
To lay the bill on the table -	601
On engrossing bill to encourage the manufacture of silk -	601
To lay the bill on the table -	602
On putting the main question, &c. -	603
On the passage of the bill to encourage the manufacture of silk -	603
To concur in amendments to specific appropriation bill -	605
On passage of the specific appropriation bill -	606
On passage of the bill for the Greencastle Savings Institution -	619
To postpone the bill for the election of collectors -	623

## BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Passed Sen.
No 1, for the formation of the 10th circuit - - -	9		
No. 2, to authorize a special session of the Knox Probate court - - - - -	9	9	37
No 3, to regulate the jurisdiction of J. P. in Bartholomew county - - - - -	13	13	21
No. 4, relative to the board of internal improvement - - -	41		
No. 7, to declare a misprint - - - - -	42	119	360
No. 8, to locate a State road - - - - -	42	43	289
No. 9, to amend the charter of Jeffersonville Savings Institution, - - - - -	43	178	536
No. 10, for the relief of Aaron Rawlings - - - - -	43	119	360
No. 11, to prescribe the mode of electing U. S. Senator - -	44		
No. 12 to extend the time for collecting revenue of St. Joseph county - - - - -	46	119	120
No. 13, in relation to the erection of a mill dam, &c. - - -	67		
No. 14, concerning corporate privileges - - - - -	70		
No. 15, to amend road law in Lawrence county - - - - -	70	119	361
No. 16, to amend the internal improvement act - - - - -	70	359	
No. 17, for the relief of the heirs of Wm. Thomas and Robert Huddleston - - - - -	70	324	615
No. 18, to incorporate the Governor's Guards - - - - -	70	335	462
No. 19, for the relief of William Ross - - - - -	70		
No. 20, for the appointment of Prosecuting Attorneys in each county - - - - -	71		
No. 21, to locate a State road therein named - - - - -	71		
No. 22, to change the mode of doing county business in Posey county - - - - -	71	71	88
No. 23, to licence dramatic performances in Indianapolis - -	71		
No. 24, to sell certain school lands in Sullivan county - -	72	119	
No. 25, to fix the time of holding probate courts in Posey county - - - - -	72	119	
No. 26, for the election of a J. P. in Pleasant view - - -	76	119	335
No. 27, to incorporate Mount Vernon - - - - -	81	179	363
No. 29, to vacate part of the town of Milford - - - - -	88	119	335
No. 30, to authorize Sam. S. Olmstead to build a mill-dam -	97	178	504
No. 31, to provide for a special session of Hendricks circuit court - - - - -	100	100	102
No. 32, to grant the right of way to Illinois, &c. - - - -	101	119	443
No. 33, to amend an act to incorporate the Crawfordsville and Williamsport turnpike company - - - - -	102	119	463
No. 34, providing for election of U. S. Senator - - - - -	102		
No. 35, to clear out Pride's creek - - - - -	102	119	360
No. 36, to amend the the justice act - - - - -	110		

## BILLS OF THE HOUSE.

	Introduced	Pass'd H. R.	passed Sen.
No. 37 to authorize the board of I. I. to make a tow path in Clay county, &c. - - - - -	113		
No. 38, for the relief of the owners of certain forfeited lands &c., in Clinton county - - - - -	113	118	303
No. 39, appointing Isaac Coleman to make certain deeds &c. - - - - -	114	178	360
No. 40 to locate a State road from Winchester to Bluffton - - - - -	114		
No. 42 to abolish imprisonment for debt - - - - -	127		
No. 43 to amend county boundaries - - - - -	128	178	536
No. 44, for the relief of John Shelly - - - - -	128	178	574
No. 45, to provide for the election of county collectors - - - - -			
No. 46, to regulate the mode of doing county business - - - - -	127	178	288
No. 47 to incorporate the town of Jeffersonville - - - - -	127	178	363
No. 48, to provide for the collection of the State and county revenue - - - - -	127		
No. 49, to amend 2d sec. of crime and punishment law - - - - -	128		
No. 50, to change the mode of electing commissioners in Spencer county - - - - -	128	360	
No. 51, to provide for the erection of bridges - - - - -	128		
No. 52, to amend act for prevention of frauds and perjuries - - - - -	128		
No. 53, for the improvement of Little Raccoon - - - - -	128	178	575
No. 55, to vacate a part of the town of Lebanon - - - - -	125	335	
No. 56 for a road from Rockport to Jasper - - - - -	125		
No. 57, to amend execution law - - - - -	118		
No. 58, to amend act &c. relative to change of venue &c. - - - - -	118	324	163
No. 59, to locate a State road in Green county - - - - -	118	178	504
No. 60, to extend the time of collecting revenue in La-porte county - - - - -	118	118	360
No. 61, to repeal 54th section of act relative to roads and highways - - - - -	118		
No. 62, declaring a misprint - - - - -	118		
No. 65, giving the State of Illinois the right of way, &c. to make a rail road to Covington - - - - -	132	226	104
No. 65, for the further construction of the Madison road - - - - -	133		
No. 66, to provide medical aid for laborers on the public works - - - - -	134	178	
No. 67, to construct a tow path on St. Joseph river - - - - -	134		
No. 68, for a side-cut canal opposite Clinton - - - - -	134	178	575
No. 69, for an additional J. P. in Montgomery and Knox counties - - - - -	135	178	575
No. 70, to attach part of town 19, &c. - - - - -	135	178	575
No. 71, for the relief of Mary Jane Peck - - - - -	135	224	335
No. 72, to prevent obstructions in the Cumberland road - - - - -	135		

## BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Passed Sen.
No. 73, to change the mode of doing business in Bartholomew county	135	178	578
No. 74, for a geological survey	140		
No. 75, to locate a State road therein named	140		
No. 76, to legalize the sale of certain school lands in Clinton county	140	178	575
No. 77, to sell real estate and for other purposes	140	335	456
No. 80, to amend charter of New Albany and Mount Carmel turnpike company	144	158	158
No. 81, to amend charter of Lafayette	144	178	575
No. 82, to amend act authorizing the loaning the college fund	144	144	159
No. 83, to amend act relating to public highways	144	344	579
No. 84, to regulate jurisdiction of J. P. in Allen county	143	178	575
No. 85 for the relief of Edward Gird	144	178	575
No. 86, to amend act relative to marriages	144	179	575
No. 87 to amend an act to incorporate Eel river bridge company	144	178	
No. 88, to amend act relative to fees	144		
No. 89, declaring a misprint	144		
No. 90, to amend act for relief of the poor	147		
No. 91, relative to the duties of clerks	147		
No. 92, to refund certain moneys to certain counties	148		
No. 93, to legalize the name of Nathan Walden	148	178	575
No. 96, to amend an act establishing certain State roads	151		
No. 97, to vacate the Albany and Burlington State road	151	178	575
No. 98, to amend general improvement law	151		
No. 99, to revive an act to incorporate Perrysville	151	471	
No. 100, to amend act regulating jurisdiction of J. P.	151		
No. 101, to amend act providing for general system of internal improvement	152		
No. 102, for the relief of settlers on public lands	155		
No. 103, to legalize the proceedings of Wesley Parke	163	178	575
No. 105, relative to a State road in Warrick and Spencer county	164	178	575
No. 106, to amend incorporation of Mississippi and Buffalo turnpike company	164	179	323
No. 107, to amend surplus revenue law	164		
No. 108, relative to the connection between the White water and central canal	170		
No. 109, to incorporate the Dearborn county seminary	170	335	404
No. 110, to locate a State road in Vigo county	172	211	289
No. 111, for a State road from Milton, &c.	173		

## BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Passed Sen.
No. 112, to locate a State road therein named -	173	224	463
No. 113, to provide for the election of county Treasurer	175		
No. 114, concerning Knox county - -	176	324	322
No. 115, to change the names of certain persons -	176	324	
No. 116, to authorize J. Davies to convey certain property	176	324	360
No. 117, to prevent the payment of interest of State bonds out of principal - - - - -	176	324	360
No. 118, to authorize notary publicks to solemnize mar- riages - - - - -	176		
No. 120, concerning the Logansport and Chicago State road - - - - -	176	324	361
No. 121, to regulate free banking - - -	185		
No. 122, for the relief of William Wilson -	187	324	361
No. 123, to locate a State road therein named -	187		
No. 124, to amend an act to establish certain State road	187	324	361
No. 125, concerning a school district in Dearborn county	187	316	628
No. 126, to incorporate Danville - -	190	471	
No. 127, to incorporate certain turnpike company -	190	335	404
No. 128, to amend an act concerning city seminaries	192	324	361
No. 131, to incorporate the Wilmington and Aurora Co.	203	335	404
No. 132, to incorporate the Marion Blues -	203	335	462
No. 133, relating to Lunatic Asylum - -	203	324	463
No. 134, to extend the Erie and Michigan canal -	203	336	579
No. 135, to locate a State road therein named -	203		
No. 136, to locate a State road therein named -	203		
No. 137, relative to receipts and disbursements -	205		
No. 138, on the subject of a school for deaf and dumb	206		
No. 139, to modify the system of internal improvement	206		
No. 140, to locate a State road in Dearborn county	206	324	
No. 141, for the relief of John Rodolph Fischli -	207	571	628
No. 142, relative to mills and millers - -	207		
No. 145, to legalize the acts of the clerk of Dubois county	211	225	
No. 146, to amend an act to provide for a general system of improvement - - - - -	211		
No. 147, to change the time of the meeting of the Legis- lature - - - - -	211		
No. 148, to legalize the sale of a school section in Scott county - - - - -	211	335	463
No. 149, to authorize the refunding monneys in certain cases	211	471	611
No. 150, to incorporate the Indiana Mechanics' Institute	211	473	
No. 151, to authorize a lottery &c. - -	213		
No. 153, relative to injuries done the public work	214		
No. 154, for the improvement of Busseron, &c. -	214		

## BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Passed Sen.
No. 155, to amend an act regulating jurisdiction of justices of the peace	214	471	
No. 156, relative to the navigation of the Misissinewa	215		
No. 157, for the survey of a road from Greenfield to the Whitewater canal	221	395	
No. 158, to encourage the manufacture of salt	222		
No. 159, for printing and distributing the laws	224	431	573
No. 160, concerning crimes and punishments	227	448	
No. 161, relative to agriculture	235		
No. 162, to promote the culture of silk	235		
No. 163, for the relief of Sarah Provinley	335		
No. 164, to locate a State road from Spencer to Anguilla	335	471	
No. 165, to fix the salary of Governor and Judges	239		
No. 166, to indemnify for property destroyed by mobs	239		
No. 167, to provide for election of county and township officers	239	335	615
No. 169, to repeal part of the road law	242		
No. 170, for the election of justices of the peace in Milgrove	242	335	463
No. 171, to locate the seat of justice of Jasper county	243	411	461
No. 172, to relocate a certain State road	244		
No. 173, to locate a State road in Dearborn county	249	335	461
No. 174, to extend the limits of Rising Sun	250	250	471
No. 175, relative to practice in circuit court	250	346	611
No. 176, to regulate county boundaries	250	471	
No. 177, to purchase an executive mansion	250	335	519
No. 178, relative to the Williamsport bridge company	252		
No. 179, to locate a State road in Dearborn county	252	332	463
No. 180, to incorporate the Hagarstown and Winchester company	252	548	630
No. 184, to change the time of holding the probate court of Vigo county	255	291	
No. 185, for a more uniform mode of doing county business	257	471	611
No. 186, to encourage agricultural societies	257	481	
No. 187, to relocate the the seat of justice of Lagrange county	257	324	
No. 188, for the relief of Eliza Walden	258		
No. 189, to incorporate the Harrison Insurance Company	260	50	
No. 190, relative to county boundaries	260	17	
No. 191, to incorporate Aurora	260	54	
No. 192, to amend an act relative to surplus revenue	261		

## BILLS OF THE HOUSE.

	Introduced.	Pass'd H.R.	Passed Sen.
No. 193, to alter the boundary line between Carroll and White	260	335	579
No. 194, to prevent illegal voting	260		
No. 195, to regulate county boundaries	263	471	
No. 196, to dissolve the bands of matrimony between Samuel Blue and his wife	263		
No. 197, to run State road from Cambridge to Fort Wayne	263	335	
No. 198, to make extra allowance to S. C. Sample	263		
No. 200, to revive an act concerning the burning of the records of Dearborn county	264	471	
No. 201, to increase the stock in the State Bank	264		
No. 202, to incorporate the Rushville Steam Mill Comp'y	264	352	404
No. 203, concerning license on Foreign Merchandize	267		
No. 204, concerning a fire engine for Bloomington College	268		
No. 205, to locate a State road in Allen county	269	324	
No. 207, to amend an act to incorporate Paoli	271	378	
No. 208, establishing the county line between Clark and Jefferson counties	271		
No. 209, to connect the public works of Illinois with Indiana	271		
No. 210, to locate a State road from Monticello to Lockport	271		
No. 211, to authorize the board of justices of Scott county to sell part of the public square in Lexington	271	518	580
No. 212, to improve a State road in Switzerland county	271		
No. 213, to authorize the survey of a canal from Terre Haute to Grand Rapids	272		
No. 213, for the relief of George Holman	273	273	
No. 214, for the relief of George D. Prentice	276	295	322
No. 215, to legalize the acts of James Holaway	276	324	
No. 216,			
No. 217, for the appointment of agents for the Surplus Revenue	281		
No. 218, relative to interest on the Surplus Revenue	281		
No. 219, to reduce the board of fund commissioners	282	548	579
No. 220, for the relief of Joseph Hendricks	383	284	495
No. 221, on the subject of New Albany and Mt. Carmel railroad	287	287	
No. 223, relative to the Madison and Indianapolis railroad	287		

## BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Passed Sen.
No. 224, to incorporate the Rob Roy Manufacturing Company . . . . .	287	429	576
No. 225, to amend an act to organize Probate Courts . . . . .	287	287	223
No. 226, for a survey from summit level of Erie & Michigan canal to the Illinois State line . . . . .	293		
No. 227, to incorporate the Vevay Steam Mill Company . . . . .	293	547	608
No. 228, to increase stock of the State Bank . . . . .	293	500	522
No. 229, to authorize fund commissioners to make deeds, &c. . . . .	294	622	629
No. 230, declaring a county road a State road (Delaware) . . . . .	294		
No. 231, for the relief of Thomas Jones . . . . .	294	294	
No. 232, to authorize sale of Union county Seminary . . . . .	295	548	630
No. 233, to amend the act regulating taking up estrays . . . . .	295	547	
No. 234, to repeal an act appropriating the three per cent. fund St. Joseph county . . . . .	296	547	609
No. 235, to locate a State road in White county . . . . .	296		
No. 236, to incorporate Tippecanoe and Monticello bridge companies . . . . .	296	548	630
No. 237, to change the mode of prosecuting public works . . . . .	301		
No. 238, for the safe keeping of Martin Jackson . . . . .	304		
No. 239, to legalize the acts of Probate Judges of Kosciusko county . . . . .	304		363
No. 240, to regulate the allowance of Probate Judges, &c. . . . .	306		
No. 241, for the relief of Henrietta Ames and C. Dewy . . . . .	309	385	394
No. 242, to locate a State road in Dearborn county . . . . .	309	548	608
No. 243, to amend act to locate State road from Salem to Charleston . . . . .	309	547	608
No. 244, to change the name Ceylon to Andersonville . . . . .	310	361	547
No. 245, for a resurvey of Jeffersonville . . . . .	310	310	361
No. 246, to legalize the acts of the commissioners of Jasper county . . . . .	310	547	609
No. 247, to divorce Lucy Hudson . . . . .	310		609
No. 248, to regulate the State Prison . . . . .	317		
No. 249, to amend act regulating roads . . . . .	317		
No. 250, to incorporate Columbus . . . . .	318	428	504
No. 251, relative to a State road . . . . .	318		
No. 252, to aid the Winchester turnpike company . . . . .	320		
No. 253, to locate a State road from Ohio line to Newport . . . . .	320	547	608
No. 254, to legalize the acts of Avery McGee . . . . .	320	478	506
No. 255, to repeal an act therein named . . . . .	322	431	483
No. 256, jurisdiction of justice of the peace in Cass county . . . . .	323	336	579
No. 257, to authorize sale of lot No. 7, Indianapolis . . . . .	322		631

## BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Passed Sen.
No. 258, to amend act regulating tavern license	322		
No. 259, to amend act incorporating Lafayette and Danville railroad company	322	546	624
No. 260, to amend act regulating county business	322		
No. 261, to incorporate New Harmony Institute	322	548	609
No. 262, to incorporate the Anderson and Greenfield turnpike company	323	389	504
No. 263, to incorporate Laurel Trading company	323	547	638
No. 264, to establish the lines of Clark county	323		
No. 265, to incorporate the Citizens' Basin	323		615
No. 266, for the relief of Benoni P. Downes	322	547	624
No. 267, to provide for improvement of Michigan road	323		
No. 268, appropriating three per cent. fund in Fountain county	323	323	462
No. 269, relative to the owners of forfeited lands &c.	323	336	462
No. 270, to establish certain State road in Perry county	322		
No. 271, to legalize the acts of commissioners of Crawford county	323	478	506
No. 272, to authorize Louisa Jane Cossatt to convey &c.	337	411	462
No. 273, for the relief of securities of N. W. Saxton	345	471	576
No. 274, to legalize the acts of Jane Owens	346	548	608
No. 276, for the election of justices of the peace in Kosciusko county	349	470	573
No. 277, concerning insane persons	350	350	
No. 278, to dissolve the bands between Joshua Skidmore &c.	351		
No. 279, for the relief of William Post	351	548	623
No. 280, to locate a State road from Merrimach to Rochester	352		
No. 281, to amend act relative to Evansville	352	470	573
No. 282, for a justice of the peace in Green county	352	470	573
No. 283, to organize Pulaski county	352	548	629
No. 284, declaring certain road a State road	352		
No. 285, to incorporate Golden's patent bagging company	353	403	461
No. 286, to authorize building of toll bridge across Kanakkee	352	546	
No. 287, for the relief of Abner McCarty &c.	353	353	362
No. 288, to incorporate the Orange Female Seminary	353	371	572
No. 289 to amend act appointing trustees to receive deeds &c.	353	547	610
No. 290, to locate State road in Monroe county;	352		
No. 291, for improvement of Michigan road	366		

## BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Passed Sen.
No. 293, to provide for the appointment of county assessors	383		
No. 294, prescribing the duties of county Auditor	383		
No. 295, prescribing the duties of county Treasurer	383		
No. 296, to amend act organizing circuit courts -	384	548	609
No. 297, for the relief of Nathan Greggs -	385	471	506
No. 298, for the relief of John Miller -	385	548	609
No. 299, to incorporate Indianapolis and Brookville turnpike company -	387	546	629
No. 300, to locate a state road in Perry county -	387		
No. 301, to locate a state road in Crawford county -	387		
No. 302, to locate a state road therein named -	387		
No. 303, to locate a state road therein named -	387		
No. 304, to incorporate the town of Rockville -	388		
No. 305, concerning Shelby county seminary -	388	579	
No. 306, on the subject of forfeited lands -	388		
No. 307, relative to public works -	388		
No. 308, to regulate jurisdiction of justices of the peace in Putnam county -	388	548	
No. 309, to relocate the Madison railroad -	388		
No. 310, to alter the line between Scott and Jefferson counties -	388		
No. 311, to incorporate the Dalton steam mill company	388	487	506
No. 312, to legalize certain proceedings in Martin county	388	548	610
No. 312, to incorporate the Jeffersonville association -	404	408	464
No. 314, to amend act organizing probate courts -	405		
No. 315, defining the boundary line of Floyd county -	406		
No. 316, for the relief of Aaron Stephenson -	406		
No. 317, to improve the Michigan road -	406		
No. 318, for the relief of persons who made improvements on the donation, &c. -	407	471	
No. 319, to regulate the militia of Indiana -	428	473	
No. 319, to repeal act vacating street in Indianapolis	428	471	631
No. 320, to amend act incorporating town of Vevay -	428	428	480
No. 321, relative to the Clay county seminary -	429	429	480
No. 322, for an additional justices of the peace in Fountain county -	429	478	506
No. 323, for the relief of Jonathan Legg -	429	548	609
No. 324, to incorporate the city of Fort Wayne -	429	547	
No. 325, directing the leasing of water power, &c. -	431	471	610
No. 326, relative to county boundaries between counties of Spencer and Warrick -	431	548	610

## BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Passed Sen.
No. 331, to define the connection of the Whitewater, and Central canal - - - - -	432		
No. 332, for the benefit of Samuel C. Sample - - - - -	432		
No. 333, for an additional justice of peace in Clay co.	432	548	609
No. 334, to create office of Private Secretary to Governor	432	548	609
No. 335, to incorporate the Mutual Life Insurance co.	433	472	536
No. 336, to amend Madison &c. incorporation - - - - -	433	472	576
No. 337, for the erection of a bridge across Big Vermillion	433	471	578
No. 338, to locate seat of justice in Lake county - - - - -	433	193	578
No. 339, to establish a state road therein named - - - - -	433		
No. 340, to incorporate the city of New Albany - - - - -	433	193	537
No. 342, to incorporate the Columbus and Driftwood bridge company - - - - -	438	144	504
No. 343, to locate state road from Rockville to Covington	438	548	609
No. 344, for the election of a justice of the peace in Montezuma - - - - -	438	171	
No. 346, to change the name of Isaac Smith - - - - -	438	171	578
No. 347, to provide for the education of the deaf mutes	443		
No. 348, to incorporate the Goshen turnpike company	444	171	516
No. 350, to amend act establishing a State University	347	173	
No. 351, to legalize the proceedings of the trustees of Bloomington - - - - -	445	183	608
No. 352, for the relief of J. H. McMacken and E. Murry	445	547	
No. 353, to amend an act to incorporate Michigan city	449	173	578
No. 355, concerning the Erie and Michigan canal - - - - -	449		
No. 356, to extend the privileges to the Salem Savings Institution - - - - -	449	546	631
No. 357, to incorporate the Blue river railroad company	449	546	631
No. 358, to attach the county of Newton to White co.	449	173	578
No. 359, for a McAdamized road from Knightstown to Columbus - - - - -	450		
No. 360, to locate a state road therein named - - - - -	450		
No. 361, to amend an act incorporating congressional townships - - - - -	450	547	608
No. 362, to extend the privileges of an act, &c. to Noble and Lagrange counties - - - - -	450	547	
No. 363, attaching certain territory therein named to certain counties - - - - -	450	547	632
No. 364, granting to the State of Illinois the right of way to make a railroad - - - - -	450	547	628
No. 365, pointing out the mode of assessing and collecting the revenue - - - - -	467	542	598
No. 367, relating to the state house, &c. - - - - -	467	546	

## BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Passed Sen.
No. 368, to encourage agriculture and the breed of cattle	469	551	
369, to incorporate the Morgantown and Greensburgh turnpike company	469	546	
370, to provide for the election of justice of the peace in Vigo county	469	547	610
371, to appoint board of visitors to State University	470	470	
372, for the sale of school section in Lake county	470	547	
373, to levy a tax on certain professions and officers	470		
374, to appoint a state board of equalization	470		
375, for the promation of common school education	476		
376, concerning clerks	476		
377, to incorporate the Spencer and Terre Haute railroad company	476	546	
378, to amend an act dividing the state into judicial circuits	480		
379, to change the time of holding probate courts in Delaware county	480	548	
380, to locate a State road in Dearborn county	483		
382, relative to the town of Jeffersonville	487	550	629
383, to incorporate the Bartholomew county seminary	487	493	576
384, to amend the act incorporating the Warsaw manufacturing company	487		631
385, to amend an act to incorporate the Lawrenceburgh bridge company	487		629
388, for the relief of William Sheets	494		
390, for the election of J. P. in Moscow	509	587	610
391, to locate a State road therein named	511	588	631
392, to establish certain State roads therein named	511		639
394, to authorize boards doing county business to sell real estate	517	546	609
395, to appropriate 3 per cent fund in Dearborn co.	519	546	610
396, for the election of J. P. in Orange county	519		629
397, to attach certain territory to Fountain county	519	622	629
398, declaring a certain State road vacated	525	622	631
399, an act to repeal an act therein named	525		
400, to amend an act regulating ferries	525	622	628
401, to incorporate the Orange Blues	525	622	628
402, defining the boundaries between the counties of Clark and Washington, and for the formation of a new county	525		
403, to amend the act regulating roads and highways	525	622	632
404, for the relief of the collector of Porter county	525	622	639

## BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Passed Sen.
No. 406, to cause a survey of Patoka river . . .	525	622	631
407, to vacate the town of New Market . . .	525	622	628
408, to provide for the completion of the Ohio and Salem McAdam road . . . . .	525		
409, to authorize the erection of a bridge over Lughery creek . . . . .	525	622	931
410, to repeal the 117th section of an act therein named . . . . .	525		
412, to establish a State road in Lawrence county . . . . .	525	588	632
413, making general appropriations for 1839 . . . . .	525	588	631
414, for the relief of purchasers at sheriff's sale . . . . .	525	588	630
415, to incorporate the Dublin academy . . . . .	527	588	631
416, to vacate an alley in Indianapolis . . . . .	527	588	632
417, to legalize the sale of lots at Bloomington . . . . .	527	58	631
418, to incorporate the Philomethcan society . . . . .	527	588	631
419, relative to the Governor . . . . .	527	527	580
420, for a more efficient system of education . . . . .	528	604	
421, to legalize the proceedings of the commissioners of Vanderburgh county . . . . .	527	527	571
425, to authorize the erection of bridges, &c. . . . .	527		
424, to authorize a change of venue . . . . .	527	527	
427, supplemental to an act to incorporate Rushville steam-mill company . . . . .	527	527	571
428, to provide for ascertaining the number of deaf mutes . . . . .	527	527	571
430, to legalize the acts of commissioners of Dubois county . . . . .	527	527	580
431, to amend an act concerning evidence . . . . .	528	528	580
436, to vacate a road in Morgan county . . . . .	528	528	571
437, to amend an act therein named . . . . .	528	528	
440, to authorize the election of a justice of the peace in Vermillion county . . . . .	528	528	571
441, to amend the act regulating the jurisdiction of justices of the peace . . . . .	528	528	571
423, to amend the act incorporating congressional townships . . . . .	528	548	
429, relative to the Wabash and Erie canal lands . . . . .	528	548	629
432, regulating the mode of working roads in Union county . . . . .	528	548	610
442, to amend an act incorporating the Liverpool bridge company . . . . .	528	548	630
405 to amend the act regulating prison bounds . . . . .	528		
426, to incorporate the town of Laporte . . . . .	528	604	631

## BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	passed Sen.
No. 431, making specific appropriations for 1839 .	528	606	627
441, relative to the Whitewater canal .	528		
433, defining the boundaries of Floyd county .	529		
438, to organize medical societies -	529		
439, to authorize the board of I. I. to use a certain State road -	529	598	
444, for the erection of a bridge over Central canal	529		
445, to incorporate the Spencer county Working man's institute -	529	622	
446, for the repair of the Michigan road -	530	530	
447, concerning bread stuffs -	530		
449, fixing the salaries of the board of I. Imp.	530	577	
450, dividing the State into judicial circuits, &c.			630
451, supplemental to the act fixing the time of holding courts -	546	546	
452, concerning sheriffs -	549		
453, making appropriations on the Michigan road	549		
454, to locate state road in Scott county -	549		
455, to change location of sec. 81 on Central canal	549	588	629
457, concerning Lost creek -	583	583	609
458, to establish a bank district -	583		
456, to change the name of Parkersburgh -	587	587	609
461, to amend act relative to executions -	588	588	631
460, fixing per diem allowance of President of the Senate and Speaker of the House -	590		
462, concerning license to retail liquors -	595		
463, relative to agricultural and horticultural ware house -	600		
464, to vacate a state road named -	604		
466, to amend act to authorize S. Patterson to build a bridge -	606	606	
467, to provide for empanneling juries -	606	610	622
468, supplemental to act reducing Board F. Com'ers.	606	606	609
469, to locate a state road named -	606	606	630
470, for formation of a bank district -	606		
471, relative to section 21 in Tippecanoe county -	617	617	
473, to incorporate Deerfield & Marion turnpike co.	618		
474, relative to duties of state officers -	621	621	632
476, relief of purchasers of canal lands -	623	623	632
477, to locate state road in Pike county -	624	624	630
479, for relief of Thomas White -	624	624	629

## BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Passed Sen.
No. 482, to incorporate Connersville manufacturing co.	637	637	
483, on public printing . . . . .	637	637	
484, to incorporate Walnut ridge seminary . . . . .	637	637	
485, to correct mistake in appropriation bill . . . . .	638	638	
486, for relief of Franklin Winchell . . . . .	638	638	

## BILLS OF THE SENATE.

	Reported from Sen.	Passed.
No. 4, to amend act to incorporate Princeton . . . . .	101	119
5, for the election of justice of peace in Russelville . . . . .	101	101
6, declaring a certain name a misprint . . . . .	101	118
7, to amend act relative to mode of doing county business . . . . .	119	119
9, making allowance to John Course, &c. . . . .	121	178
10, to amend incorporation of Perry county seminary . . . . .	121	178
4, to incorporate the Paris steam mill company . . . . .	121	335
34, to amend act relative to doing county business . . . . .	145	
7, to establish circuit courts, &c. . . . .	146	
13, to change the name of Daniel Bully . . . . .	146	
14, relative to a state road in Laporte county . . . . .	146	179
41, to divide the state into judicial circuits, &c. . . . .	219	
16, to incorporate Boston and Richmond turnpike co. . . . .	288	546
19, to sell public square in Edinburgh . . . . .	288	
120, to locate state road from Angola to state line . . . . .	288	452
26, for the benefit of John Robinson . . . . .	288	452
27, to amend law relative to elections . . . . .	288	
28, to increase per diem allowance of witnesses . . . . .	288	452
32, to amend act relative to county boundaries . . . . .	289	547
38, to amend act for the formation of county of Blackford . . . . .	289	305
109, to locate a state road therein named . . . . .	289	
70, to incorporate Indiana Medical Institute . . . . .	289	547
108, for state road from Allisonville to Franklin . . . . .	289	547
111, to authorize John Manning to build mill dam, &c. . . . .	290	
52, declaring certain names misprints . . . . .	324	547
125, to amend an act organizing probate courts . . . . .	324	547

## BILLS OF THE SENATE.

	Rep.	Sen.	Passed.
No. 102, to locate state road from Burlington to M. road	362		
105, to incorporate the Hancock Guards . . .	362	546	
155, for the benefit of George Harland . . .	385	385	
181, to amend the circuit bill . . .	443	443	
59, to incorporate Newcastle . . .	461	473	
124, supplemental to incorporation of Fort Wayne and Connersville Insurance company . . .	462	546	
43, to authorize election of justice of peace in Plymouth	471	471	
90, to change the name of Clarksburgh, Boon county	471	471	
97, to legalize the acts of the corporation of Lebanon	471	471	
31, for a state road from Germantown to Noblesville	471	471	
126, declaring Flatrock a public highway . . .	471	471	
98, for the relief of Catharine Falkner . . .	471	471	
55, to relocate a certain state road therein named	464	546	
57, to locate state road from Muncietown to Camden	464		
152, to locate a state road from New Albany in Floyd county to Charlestown in Clark county . . .	464		
133, to amend an act incorporating congressional town- ships and providing for public schools therein	464		
138, establishing a state road therein named . . .	464	546	
140, to vacate part of a state road in county of Wayne	464		
141, to legalize the proceedings of the President and Trustees of the Morgan county seminary . . .	464		
142, to locate a state road from Marion in Grant county to Delphi in Carroll county . . .	464		
143, to change the mode of electing the members of the board doing county business in Perry county . . .	464		
145, for the relief of John Busby . . .	464	583	
147, concerning a road in Porter and Lake counties	464		
149, to relocate part of the Greenfield and Franklin state road . . .	464		
150, supplemental to an act entitled An act to amend an act entitled An act to incorporate town of Princeton	464		
153, to repeal an act entitled An act relative to taverns and tavern keepers in Vermillion county . . .	464		
160, to amend an act entitled An act to amend an act entitled an act to incorporate Michigan city . . .	464		
53, to amend the several acts for the collection of the revenue . . .	465		
95, to provide for the relocation of the seat of justice of Scott county . . .	465	525	

## BILLS OF THE SENATE.

	Rep. Com. Sec.	Passed.
No. 135, to amend an act to enable the school commissioners of the several counties of this state to correct the returns of collectors . . . . .	465	
183, to locate a state road from South Bend to Lafayette	465	
186, amendatory of An act providing a more uniform mode of doing township business . . . . .	465	525
176, supplemental to act dividing the state into circuits	483	
191, authorizing the election of a justice of the peace in Hamilton county . . . . .	484	525
83, to amend act relative to county boundaries . . . . .	504	546
108, for a justice of peace in New Washington, Clark co.	504	622
127, to enable school comm'rs to distribute certain funds	504	
131, to charter the Grand Lodge of Independent Odd Fellows . . . . .	505	546
18, to amend act for prevention of frauds and perjuries	505	
184, to incorporate the Greencastle Savings Institution	505	549
201, to repeal an act relative to Ecl and Noble townships, Cass county . . . . .	505	
202, to amend an act to incorporate Logansport . . . . .	505	546
204, to locate a state road in Elkhart county . . . . .	505	622
205, to locate a state road therein named . . . . .	505	622
206, to authorize the relocation of part of a state road	505	622
188, to incorporate the Georgetown and New Albany turnpike company . . . . .	506	546
241, authorizing the appointing assessors in Orange co.	536	536
242, to incorporate the Bedford Band . . . . .	536	536
64, to incorporate the Glenhope manufacturing co. . . . .	537	
236, to amend an act for the relief of the poor . . . . .	537	588
93, to provide means for the completion of the bridge over White river on the Michigan road . . . . .	572	588
203, to define the boundaries of Scott county . . . . .	572	
211, to make it penal to cast dead animals into water courses . . . . .	572	588
139, to regulate taverns and groceries . . . . .	572	
71, to locate a state road in Decatur county . . . . .	573	574
210, to revive act to incorporate Bethlehem . . . . .	573	587
212, for the relief of Clinton C. Owens . . . . .	573	574
213, in relation to heating state house . . . . .	573	574
216, for relief of Thomas Strong . . . . .	573	574
218, to locate state road in Wayne county . . . . .	573	587
250, For the benefit of the owners of certain lots in Jeffersonville . . . . .	574	574
232, to amend act relative to sale of school lands . . . . .	574	574

## BILLS OF THE HOUSE.

	Rep.	Sec.	Passed.
No. 233, for formation of school district in Monroe county	574	574	
46, to authorize removal of fences	575	576	
62, to authorize the circuit court of Hamilton to change venue	575	576	
66, to increase per diem allowance of probate judges	575	576	
73, relative to state road in Marion and Hamilton co's	575	590	
94, for relocation of county seat of Whitley county	575	590	
106, to legalize election of clerk of Dubois county	576		
115, for relief of Joshua Wilson	576	576	
139, for relief of Gideon Conklin and Frederick Ellgroth	576	587	
200, to incorporate Crawfordsville	576		
61, to amend act for organization of Probate courts	576	577	
225, to amend act to authorize sale of seminary lands in Monroe county	576	577	
190, to incorporate Noblesville Insurance company	577	577	
226, to amend act to incorporate Bailytown and Chicago turnpike company	577	588	
227, to amend act to incorporate Richmond and Brookville canal company	577	587	
88, to establish State road in Morgan county	577	577	
250, to incorporate Centreville Musical Institute	577	577	
253, to establish and regulate ferries	577		
252, for formation of school district in Morgan county	577	587	
246, to regulate summoning jurors in Carroll and Clinton counties	577	577	
240, for relief of certain persons therein named	578		
214, to amend act to incorporate Indianapolis	579	529	
255, to amend act regulating summoning &c. grand and petit jurors	580	580	
84, to incorporate Young Men's Literary association	580	580	
231, to extend privileges of Salem Savings Institution	581	581	
215, relating to trustees of Paris	581	581	
243, to amend act appropriating the three per cent. fund in certain counties	581	581	
284, to define boundaries of St. Joseph and other counties	615	615	
90, to change part of Knightstown and Bluntsville State road	615	615	
260, relating to burying grounds	615	615	
89, to amend act regulating grist mills and millers	615		
251, supplemental to act for benefit of C. Falkner	615	615	
255, to legalize proceeding of com'rs of St. Joseph co.	616	616	

## BILLS OF THE SENATE.

	Rep. f'm Se.	Passed.
No. 178, to amend act to distribute surplus revenue .		622
65, to incorporate Bedford Presbyterian Church .	625	625
260, to amend corporation of Terre Haute .	625	625
271, to repair Governor's house in circle .	638	638
298, relative to Perry county seminary . .	639	639

## COMMITTEES.

Joint and standing appointed - - - -	58
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## ELECTIONS.

Of Speaker of the House - - - -	5
Of Principal Clerk - - - -	5
Of Assistant Clerk - - - -	5
Of Enrolling Clerk - - - -	6
Of Door Keeper - - - -	7
For Sergeant-at-Arms - - - -	36
Elisha Embree elected President judge 4th circuit -	42
John W. Payne elected Prosecuting Attorney 2d circuit -	42
Eben. D. Eason elected Prosecuting Attorney 4th circuit -	43
William Quarles elected Prosecuting Attorney 5th circuit -	43
David Macey elected Prosecuting Attorney 6th circuit -	44
John Wright elected Prosecuting Attorney 8th circuit -	44
William C. Hanna elected Prosecuting Attorney 9th circuit	44
Election of U. States Senator, (for ballottings see U. S. Senator)	
Albert S. White elected U. S. Senator - -	96
Samuel Merrill elected President State Bank - -	107
Robert Morrison elected state director - -	107
David McDonald elected President Judge 10th circuit -	436
Morrison Rulon elected President Judge 11th circuit -	437
John S. Watts elected Prosecuting Attorney 10th circuit -	456
Jehu T. Elliott elected Prosecuting Attorney 11th circuit -	456
Richard Carter appointed Door Keeper - -	500
Noah Noble, Samuel Lewis, and John A. Graham elected mem-	
bers of the Board of Internal Improvement - -	513
Jesse L. Williams elected Principal Engineer - -	515

## JOINT RESOLUTIONS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Passed Sen.
Concerning the state library - - -	113	118	363
To correct an error in the general appropriation bill	120	158	363
Relative to the journals of the House, &c. - -	127		
On the subject of the Cumberland road - - -	141	271	360
On the subject of slavery in southern states -	142	177	463
Relative to a stag line from Indianapolis to Evansville	151		
Relative to locating northern end of Central canal -	151	324	465
Relative to the manuscript journals - - -	164	324	
Relative to the Louisville and Portland canal -	202		
On the right of petition, &c. - - -	202		
Relative to the public works - - -	210		
Relative to the supreme judges - - -	210	324	463
To authorize Patrick McGinley to sue the state -	214	481	
Relative to Indiana College - - -	242		
Relative to the state seal - - -	255	288	
Concerning the state prison - - -	255		
Concerning Blackford's Reports - - -	255		
Relative to a steamboat canal - - -	264	290	575
On the subject of a stage line - - -	280	483	
On the subject of the Lawrenceburgh railroad -	349	548	
Concerning standing committees - - -	360		506
Relief of William Perdue - - -	132	471	
On the subject of mail stage route - - -	132	432	
On the subject of divorces - - -	132	483	
On the subject of a sidecut canal - - -	132		
Relative to the navigation of Lake Michigan -	138	548	
Creating a board of visitors to Bloomington University	147		
Relative to a stage route - - -	149	506	
Relative to public officers - - -	167		
Relative to a harbor at City West - - -	187		
On the subject of the St. Mary's canal - - -	511	525	
Relative to the University fund - - -	527		
On the subject of public printing done in 1838 -	571		

JOINT RESOLUTIONS OF THE SENATE.		Rep. f'm Se.	Passed.
Relative to the duty of enrolling clerks	- -	110	110
Relative to the three per cent. on lands sold at Cincinnati		465	
To authorize the Secretary of State to perform a certain act		465	546
On the subject of refuse lands in Jackson and other counties		506	
In relation to the ninth circuit	- - -	546	

## MEMBERS.

From their respective districts appear, and are sworn into office 3

## MESSAGE.

Of His Excellency Governor Wallace - - - 14

## ORDER OF BUSINESS.

Announced by the chair - - - - - 39

PETITIONS.	By whom presented.	Page.
Of Isaac Sutton and others,	Bryce	38
Of S. M. Taylor, "	Egbert	40
Of J. B. Kelly "	Graham	40
Memorial relative to Cumberland road	Townsend	40
Of James H. Stewart and others	Milroy	40
Of A. L. Robinson "	Milroy	41
Of John Mitchel "	Lane	41
Of William M. Lemon "	Eldridge	41
Of Calvin Patten "	Brown	46
Of Lawrence Wood "	Hurst	46
Of Larkin Bearchfield "	Devin	46
Of Enoch Farmer "	Gregory	56
Of Adam Frontman "	Bright	56
Of Solon Robinson "	Speaker	66
Of John Wilson "	Brenton	66
Of John Foster "	Hanna	66

PETITIONS.	By whom presented	Page.
Of John B. Dellon and others	Eldridge	66
Of Wesley Parke "	Herriman	66
Of Aaron Miller "	Egbert	66
Of D. Price "	Matson	66
Of the Widow and heirs of John Patterson	Johnson of M.	67
Of John Wilson and others . . .	Hunt	67
Of Levi Witman " . . .	Herriman	72
Of John M. Martin " . . .	Bryce	73
Of Y. T. Simpson " . . .	Cooper	73
Of John Pinnick " . . .	Bowles	73
Of David A. Adams " . . .	Brenton	84
Of W. G. Anderson " . . .	Lewis	84
Of Enoch McCarty " . . .	Matson	84
Of S. B. Ball " . . .	Hurst	85
Of Arthur Compton " . . .	Major	85
Of Ranson, Perry, Foreman &c.	Terrel	85
Of David Foster and others . . .	Eldridge	85
Of John Blake " . . .	Major	85
Of Hiram P. Smith " . . .	Brown	97
Of J. C. Morris " . . .	Hanna	97
Memorial of Winchester turnpike company	Hunt	106
Of Haymond W. Clark and others	Cogswell	106
Of Geo. H. Ably " . . .	Herriman	112
Of Mary Jane Peck " . . .	Willey	112
Of John Jamison " . . .	Major	112
Of George Merkle " . . .	Milroy	113
Of Enoch Stafford " . . .	Peaslee	113
Communication from John B. Chapman .	Speaker	121
Of O. Baily and others . . .	Dumont	122
Of sundry citizens of Decatur and Shelby counties	Powell	129
Of William W. Wilson . . .	Mason	129
Of A. T. Wilton and others . . .	Wilson of M.	129
Of Charles Fullerton " . . .	Devin	129
Of Asa Gookins " . . .	Glass	129
Of Joel Butts " . . .	Bryant	129
Of sundry citizens of Porter and Lake . . .	Cline	129
Of J. D. Hay . . .	Judah	133
Of Joseph Chambers . . .	Judah	133
Of George Arnold . . .	Arnold	133
Of James McIlvaine . . .	Proffit	133
Of Osborn and Willets . . .	Speaker	147
Of Arthur Hagerman . . .	Cotton of S.	147
Of John Redinour . . .	Owen	147
Of Philo Andrews . . .	Spann	147

PETITIONS.	By whom presented.	Page.
Of Samuel Davis . . . . .	Matson	147
Of George Mitchell . . . . .	Mason	147
Of Leonard Owens . . . . .	Brenton	154
Of Randolph Ross . . . . .	Johnson of M.	154
Of William Nixon . . . . .	Hubbard	154
Remonstrance of Isaac Hardin . . . . .	Brenton	154
Of sundry citizens of Wayne county . . . . .	Hubbard	154
Of Aaron Goodman . . . . .	Hubbard	154
Of sundry citizens of Dearborn county . . . . .	Egelston	154
Of John C. Williams . . . . .	Egbert	154
Of David Runman and others . . . . .	Pettit	154
Remonstrance of Robert Curry . . . . .	Brown	161
Of Cornelius Johnson . . . . .	Cutter	161
Of Simon S. Hadley . . . . .	Brenton	161
Of Elisha Blakeman . . . . .	Herriman	161
Of J. R. Fischli . . . . .	Hurst	161
Of Samuel Chambers . . . . .	Bowles	161
Of sundry citizens of Wayne county . . . . .	Hubbard	162
Of Joel H. Kester . . . . .	Kinney	162
Of Gideon Myres . . . . .	Hubbard	162
Of David Bennett . . . . .	Vance	162
Of Rebecca Blue . . . . .	Clymer	162
Of sundry citizens of Marion county . . . . .	Powell	162
Of Wm. H. Potter . . . . .	Herriman	167
Of Wm. Harris . . . . .	Owen	167
Of David Newson . . . . .	Terrel	167
Of Wiley Reagan . . . . .	Willey	167
Of James Scott . . . . .	Field	167
Of sundry citizens of Rush county . . . . .	Alley	167
Of Job Pugh . . . . .	Morgan	167
Of Virgil Dowden . . . . .	Arnold	171
Of P. McGinley . . . . .	Hurst	171
Of N. H. Adams . . . . .	McCarty	171
Of John Van Metre . . . . .	Chapman	171
Of Arthur St. Clair . . . . .	Dumont	171
Of John Smith . . . . .	Milroy	171
Of Peter Price . . . . .	Kenton	171
Of John C. Ball . . . . .	Cline	171
Of William R. Talbot . . . . .	Cline	171
Of John How . . . . .	Wines	180
Of William Dixon . . . . .	Wines	180
Of Cravin Lyon . . . . .	Wilson of H.	180
Of Sundry citizens of Wayne county . . . . .	Hubbard	180
Of sundry citizens of Wayne county . . . . .	Morrow	180

PETITIONS.	By whom presented.	Page.
Of Jane Owens - - - -	Helmer	180
Of Joseph Rodkin - - - -	Hunt	180
Of William Harrington - - - -	Gregory	189
Of George Markle - - - -	Milroy	189
Of John Smith - - - -	Milroy	189
Of Eli Foliva - - - -	Champer	198
Of Sarah Prunley - - - -	McCormick	198
Of Samuel H. Johnson - - - -	Rose	198
Of sundry persons relative to mills - - - -	Healey	199
Of sundry persons on the same subject - - - -	Rush	199
Of sundry citizens of Wayne county - - - -	Hubbard	205
Of Isaac F. Wood - - - -	Morrow	205
Of sundry citizens of Montgomery county - - - -	Bryce	212
Of Samuel Hall - - - -	Devin	212
Of sundry citizens of Jay, Wells, and Huntington - - - -	Vance	212
Of Joseph Orr - - - -	McClure	212
Of sundry citizens of Franklin and Union - - - -	Matson	212
Of sundry citizens of Randolph county - - - -	Hunt	212
Of sundry citizens of Miami county - - - -	Wilson	212
Of Clement Whitney - - - -	Owen	219
Of sundry citizens of Dearborn county - - - -	Dumont	219
Of S. H. N. Benjamin - - - -	Kenton	219
Of Hugh M. Connell - - - -	Kenton	219
Of Jonathan Payne - - - -	Champer	220
Of J. E. Woods - - - -	Devin	220
Of sundry citizens of Randolph county - - - -	Hunt	220
Of Washington Rutherford - - - -	Truelock	220
Of Isaac Thomas - - - -	Parker	220
Of John Neal - - - -	Arnold	220
Of Jacob Gill - - - -	Wilson of M.	220
Of sundry citizens of Jefferson and Clark counties - - - -	Bright	220
Of Susanna McCalla - - - -	Field	226
Of sundry citizens of Wayne county - - - -	Hubbard	226
Of Thomas Fitzgibbon - - - -	Hanna	228
Of Samuel Wallace - - - -	Perine	238
Of Joseph Hendricks - - - -	Marshall	238
Of Solomon Johnson - - - -	Vance	238
Of Joseph Orr - - - -	McClure	238
Of M. G. C. Pyle - - - -	Field	239
Of William Boman - - - -	Hurst	237
Of Levi Bert - - - -	Morgan	239
Of sundry citizens of Owen county - - - -	Smydth	246
Of Levi Hunter - - - -	Truelock	246
Of Isaac Thomas - - - -	Monroe	248
Of Charles Neighbors - - - -	Hanna	248

PETITIONS.				By whom pre- sented.	Page.
Of Elizabeth Waldron	-	-	-	Healey	248
Of Thomas Randall	-	-	-	Kenton	248
Of William Lewis	-	-	-	Chapman	248
5 petitions to relocate the seat of justice of La- grange county	-	-	-	Herriman	248
Of Levi Westfall	-	-	-	Kinney	248
Of Wesley Ayres	-	-	-	Peaslee	248
Of W. O. Hannah	-	-	-	McClure	248
Of George Alexander	-	-	-	Morgan	249
Of John Young	-	-	-	Kenton	256
Of sundry citizens of Carroll county	-	-	-	Milroy	256
Of John Pinnick	-	-	-	Bowles	261
Of Samuel Ewing	-	-	-	Cotton of S.	261
Of sundry citizens of Kosciusko	-	-	-	Perine	261
Of S. B. Noble	-	-	-	Reynolds	261
Of Jonathan Legg	-	-	-	Johnson of M.	261
Of George D. Prentice	-	-	-	Field	261
Of Joshua Skidmore	-	-	-	Dole	262
Of William D. Farley	-	-	-	Champer	262
Of Joseph Ensworth	-	-	-	Eldridge	266
Of J. Andrews	-	-	-	Wines	266
Of Sundry citizens of Clark county	-	-	-	Hurst	266
Of sundry citizens of Washington county	-	-	-	Parker	266
Of John Pitman	-	-	-	Albertson	266
Of Samuel Merrill	-	-	-	Hanna	266
Of Curtis Smith	-	-	-	Sands	267
Of sundry citizens of Cass county	-	-	-	Eldridge	267
Of Lucy Hudson	-	-	-	Hubbard	267
Of sundry citizens of Dearborn county	-	-	-	Arnold	267
Of Thomas Jones	-	-	-	Terrell	273
Of sundry citizens of Posey county	-	-	-	Owen	273
Of sundry citizens of Henry county	-	-	-	Healey	273
For the relief of George Holman	-	-	-	Milroy	273
Of sundry citizens of Switzerland county	-	-	-	Cotton	273
Of Richard Chambers	-	-	-	Matson	274
Of Sundry citizens of Clark county	-	-	-	Field	274
Of Sundry citizens of Wayne county	-	-	-	Hubbard	274
Of Joseph C. Eggleston	-	-	-	Cotton of S.	274
Of sundry citizens of Dearborn county	-	-	-	Egelston	274
Of E. R. Ames	-	-	-	Bright	274
Of W. C. Foster	-	-	-	Smydth	274
Of Joel Ray	-	-	-	Sands	280
Of Uriah Thompson	-	-	-	Wilson of H.	280
Of Isaac Martin	-	-	-	Kilgore	280
Of C. D. Key	-	-	-	Wilson of H.	280

PETITIONS.	By whom presented.	Page.
Of Jacob Baker - - - -	Perine	287
Of sundry citizens of Rush and Shelby counties	Powell	287
Of Horace Powell - - - -	Bryce	287
Of William Post - - - -	Willey	287
Of the Salem turnpike company - -	Field	287
Of sundry citizens of Warren county -	Gregory	287
Of James Heron - - - -	Willey	287
Of sundry citizens Union county - -	Anderson	287
Of sundry citizens of Jasper county -	Kenton	287
Of sundry citizens of Spencer, &c. - -	Jones	287
Of sundry citizens of Posey county - -	Owen	306
Of sundry citizens of Wayne county -		306
Of sundry citizens of Scott county - -	Truelock	306
Of Edward Edgar - - - -	Hurst	306
Of sundry citizens of Monroe county -	Johnson	306
Of sundry citizens of Clark county - -	Field	316
Of Gabriel Swihart - - - -	Wines	316
Of Francis B. Yorum - - - -	Smydth	316
Of Christian Bixler - - - -	Parker	316
Of Eliphalet Allen - - - -	Puett	316
Of John Davis - - - -	Jones	316
Of sundry citizens of Laporte county -	McClure	316
Of sundry citizens of Spencer county -	Jones	317
Of Jacob Baker - - - -	Perine	317
Of sundry citizens of Clark county - -	Hurst	317
Of John S. Higgins - - - -	Hendricks	334
Of sundry citizens of Dearborn county -	Egelston	334
Of Samuel Peck - - - -	Field	334
Of Jemima Jane Cassatt - - - -	Wines	334
Of sundry citizens of Shelby county - -	Powell	334
Of Joshua Walker - - - -	McCormick	334
Of sundry citizens of Pulaski county -	Kenton	334
Of George W. Washington - - - -	Kenton	335
Of sundry citizens of Crawford county -	Sands	345
Of sundry citizens of Greene county - -	Allison	345
Of sundry citizens of Kosciusco county -	Perine	345
Of Robert McIntire - - - -	McCormick	345
Of sundry citizens of Porter county - -	Cline	345
Of sundry citizens of Cass county - - -	Eldridge	346
Of sundry citizens of Warren county - -	Gregory	363
Of Abraham Hyborger - - - -	McCormick	363
Of sundry citizens of Delaware county -	Kilgore	363
Of sundry citizens of Clay county - - -	Smydth	363
Of W. W. Johnson - - - -	McClure	405
Of the president and trustees of the town of Vevay	Cotton of S.	405

PETITIONS.	By whom presented.	Page.
Of the trustees of Bloomington - - -	Johnson of M.	405
Of John Race - - -	Smydth	405
Of Elisha Blackman - - -	Herriman	405
Of sundry citizens of Elkhart county - -	Clymer	409
Of sundry citizens of Dearborn - - -	Egelston	413
Of Dr. Wylie - - -	Johnson	413
Of W. C. Foster, J. O. Howe, &c. - - -	Smydth	413
Of Peter F. Newland - - -	Chapman	413
Of sundry citizens of Perry county - - -	Cotton of P.	413
Of Harvey M. Voorhees - - -	Brenton	413
Of sundry citizens of Washington county -	Field	413
Of sundry citizens of Cass - - -	Eldridge	413
Of sundry citizens of Warren county - -	Gregory	413
Of sundry citizens of Tippecanoe county -	Earl	414
Of Jonathan Pearson - - -	Peaslee	414
Of Reuben Chew - - -	Noel	414
Of sundry citizens of Blackford county -	Vance	414
Of the keepers of the Penitentiary - - -	Field	414
Of sundry citizens of Carroll county - -	Milroy	440
Of sundry citizens of Vigo county - - -	Cutter	440
Of William Sheets - - -	Hanna	440
Of Thomas Smith - - -	Wilson of M.	441
Of Sundry citizens of Clinton county - -	Major	441
Of sundry citizens of Lake county - - -	Cline	441
Of the heirs of Joseph Sellers - - -	Eldridge	441
Of James R. McBeth and others - - -	Stewart	461
Of sundry citizens of Delaware county - -	Kilgore	475
Of sundry citizens of Dearborn county - -	Egelston	475
Of sundry citizens of Tippecanoe county -	Earl	475
Of sundry citizens of Madison county - -	Wyman	475
Of Henry Walker - - -	Dumont	475
Of sundry citizens of Warren county - -	Gregory	491
Of sundry citizens of Miami county - - -	Wilson	491
Of Enoch Davis - - -	Brenton	491
Of C. T. Noble - - -	Kinney	491
Of A. F. Welton - - -	Wilson of M.	491
Of O. Heustis - - -	Dumont	491
Of John Clark - - -	Dumont	491
Of sundry citizens of Clay county - - -	Smydth	491
Of the Liverpool bridge company - - -	Cline	492
Of sundry citizens of Clay county - - -	Smydth	492
Of sundry citizens of Fulton county - -	Wilson of M.	492
Of Cableb White - - -	Kinney	492

PROTESTS.

Of Robert Dale Owen and others, against the passage of a resolution authorizing Patrick McGinley to sue the state	452
Of Samuel Milroy and others, against the passage of the revenue bill	583
Of Wm. T. Noel, against passage of bill to change name of certain persons	616

REPORTS.

By Mr. Peaslee, relative to the Michigan road	129
By Mr. Cooper, relative to printing the laws in German	124
By Mr. Judah, from judiciary committee, relative to the constitutionality of the gaming law	129
By Mr. Cotton, relative to geological survey	136
By Mr. Judah, relative to the petition of J. B. Chapman	149
By Mr. Devin, relative to attaching certain territory to Gibson county	154
By Mr. Cline, relative to the relief of settlers on public lands	154
By R. J. Hubbard, relative to printing the laws in the German language	172
By Mr. Bryce, relative to public printing	175
By Mr. Judah, relative to free banking	181
By Mr. Cutter, relative to abolishing imprisonment for debt.	199
By Mr. Brown, relative to the manufacture of salt	221
By Mr. Mason, relative to the public printing	222
By Mr. Thompson, on agriculture	228
By Mr. Kinney, relative to Indiana University	231
By Mr. Gregory, to purchase Governor's house	251
By Mr. Field, relative to assessments, &c.	269
From the Fund Commissioners	275
By Mr. Lane, from the committee on elections	290
By Mr. Bright, relative to the petition of C. R. Ames	308
By Mr. Hunt, relative to the Winchester turnpike company	318
By Mr. Matson, on the subject of the Lawrenceburgh railroad	347
By Mr. Hubbard, from the committee of ways and means	367
By Mr. Judah, from minority of committee of ways and means	396
Report from Fund Commissioners	399
By Mr. Kinney, from committee on education	414
By Mr. Gregory, from committee on military	427
By Mr. Smydth, relative to attaching certain territory to Clay county	430
By Mr. McClure, on the bill for the relief of N. W. Saxton	434
By Mr. Noel, relative to the education of deaf mutes	441
By Mr. Field and others, relative to charge against Dr. Wylie	445
By Mr. Blair, from committee on public buildings	468







